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ABSTRACT

The impact of the unionization of college and university faculty is examined, based on a 1979 survey of 240 nonunionized colleges and all other unionized institutions, and on a review of recent literature on collective bargaining. The survey is a followup of a 1974 survey pertaining to collective bargaining and a 1971 survey concerned with general governance issues at the 240 representative schools. Attention is directed to: the impact of collective bargaining on governance and especially academic senates and administration at both the local campus and system levels; the likely beneficiaries of academic collective bargaining and the overall consequences for faculty, students, and higher education in general; the formalization of personnel relations, and tenure processes and retrenchment at unionized and nonunionized institutions. Perspectives on the impact of the Yeshiva Court decision and the future of faculty collective bargaining are also presented. Of the 1,400 questionnaires mailed to college presidents, local faculty union chairpersons, systemwide administrators, and union leaders, 52 percent responded. More than 95 percent of both presidents and union chairpersons believed that bargaining has caused greater specificity of rules and regulations. Respondents believed unions have been least effective on their campuses in strengthening existing faculty governance (such as senates) and enhancing professional standing. Administrators said that unions have actually hurt in these areas. Overall conclusions of the three surveys include: some union chairpersons are disillusioned with the outcomes of bargaining; and faculty personnel issues are at the heart of collective bargaining. A bibliography is appended. (SW)

Report 8 - 1981

Assessing the Impact of Faculty Collective Bargaining

J. Victor Baldridge, Frank R. Kemerer, and Associates

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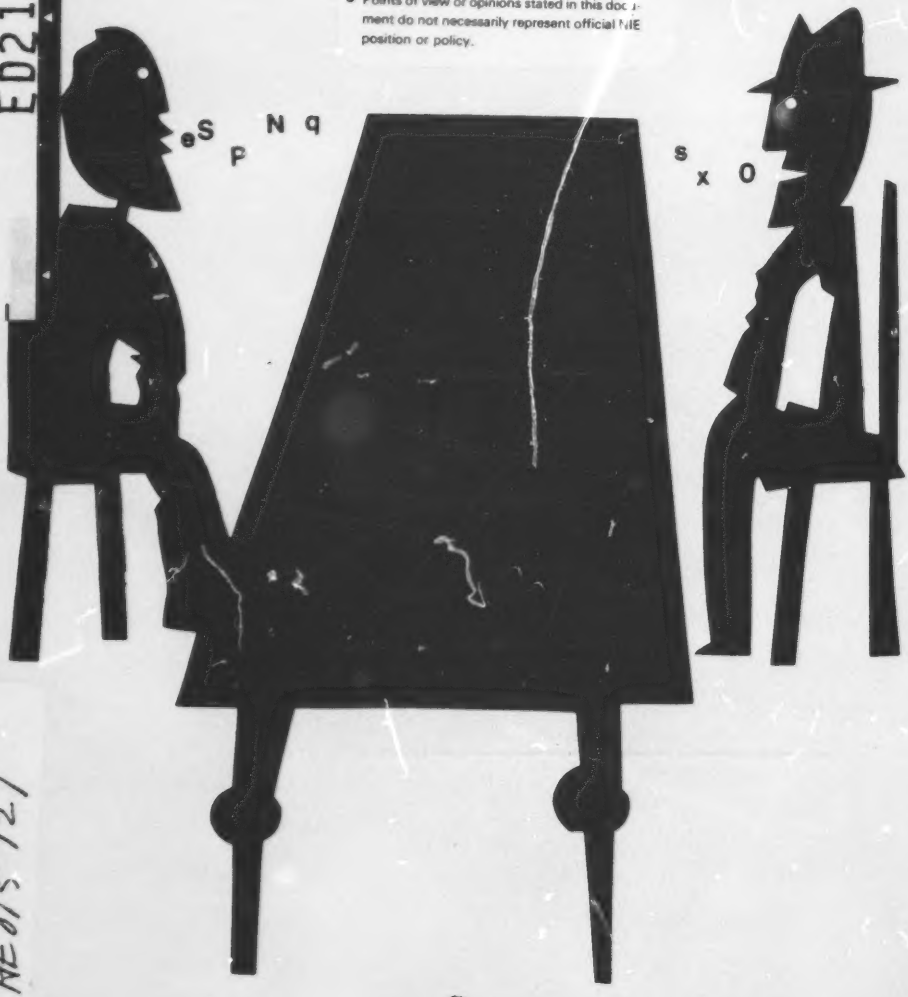

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Foreword

For more than a decade collective bargaining activity has existed at institutions of higher education. While the future of collective bargaining is now clouded by such factors as unfavorable economic conditions, an uncertain academic labor market, and the Supreme Court's *Yeshiva* decision, it is clear that faculty unionization has had a significant influence throughout higher education and will continue to have an effect on college and university administration.

Only recently have the effects of unionization on academic governance, faculty contracts, institutional innovation, and student power begun to emerge as longitudinal studies have been conducted on the impact of faculty unions. There are many factors that lead toward faculty unionization including: desire for higher wages and greater benefits; fear of budget cuts; desire for job security, more influence in campus governance, fairer grievance procedures, and greater professional standing. These studies indicate the degree to which collective bargaining has lead to improvement in these areas.

In the 1978 AAHE-ERIC/Higher Education Research Report No. 5, *Collective Bargaining in Four-Year Colleges*, Barbara A. Lee investigated the implications of faculty collective bargaining for higher education. In this 1981 Report, J. Victor Baldridge, senior research sociologist at the Higher Education Research Institute; Frank R. Kemerer, professor of education law and administration at North Texas State University; and their associates, examine the impact of the unionization of college and university faculty. This monograph synthesizes the recent literature on collective bargaining along with the findings of a national survey on the impact on faculty unions conducted by the authors in 1979. Faculty and administrators who are interested in the consequences of collective bargaining will find this report especially useful.

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Preface

In 1971 we began a long-term effort called the Stanford Project on Academic Governance. Funded by the National Institute of Education, the project was conducted in two phases. The first phase, which involved a questionnaire survey conducted in 1971, was concerned with general governance issues at 240 representative institutions of higher education. The second phase, involving a questionnaire survey conducted in 1974, focused primarily on collective bargaining. Included were the 240 institutions surveyed in 1971 plus all other unionized institutions. That project concluded with publication of two books, *Unions on Campus* (Kemerer and Baldridge 1975) and *Policy Making and Effective Leadership* (Baldridge et al. 1978).

The research described in this report is an extension of the earlier project and ran from 1977 to early 1980. The 1979 questionnaire survey that provides the data base for this report was expressly designed as a follow-up to the 1974 survey. We recognized that we had a unique opportunity to obtain longitudinal data about institutional governance. We surveyed presidents of institutions without faculty unions from the 240 institutions included in the 1971 and 1974 phases. We also surveyed *all* unionized campuses in the nation, questioning the presidents and local faculty union chairpersons. In addition, some systemwide administrators and union leaders were sampled.

Nearly 1,400 questionnaires were mailed out in 1979, with an overall return rate of 52 percent. Although a 52 percent return is considered quite respectable for social science mailed surveys, the reader must keep in mind that 48 percent of the questionnaires were not returned; the questionnaire findings reported herein are to be respected, but not taken as the final answer on the subject.

Three things give us confidence that the surveys reflect the sentiments of the entire population: (a) a comparison of institutions of respondents and nonrespondents on a number of variables (such as region, size, selectivity, two-year vs. four-year) revealed no systematic differences; (b) our survey findings were bolstered by intensive interviews that we conducted throughout the nation at more than two dozen institutions where collective bargaining has been a major influence; and (c) our survey findings generally agree with findings from an extensive analysis of contracts we conducted to determine their content and their expansion over time. All these methodologies, coupled with our survey of campus presidents and union officials, give us a high degree of confidence in our research conclusions.

Now that the initial drive to form unions is over, concern naturally shifts to their *impact*. Have unions provided the benefits desired by their proponents? Have they strengthened the faculty voice in decision making? Who has benefited most? Who least? This report looks at some of the answers.

Acknowledgments

Funding of the 1977-80 phase of research described in this report came from the Fund for the Improvement of Postsecondary Education, the Ford Foundation, and North Texas State University. David Justice and Steve Erhmann of the Fund for the Improvement of Postsecondary Education, Fred Crossland of the Ford Foundation, and Robert Toulouse of North Texas State University all provided valuable assistance and liaison with their respective organizations.

Assisting in case study research were Caesar Naples, general counsel for the State University System of Florida; Joyce Najita, acting director of the Industrial Relations Center at the University of Hawaii; John A. Thompson, professor of higher education at the University of Hawaii; and Barbara Adams, associate dean of instruction at Coastline Community College in California. Sue Schlesinger, coordinator of the Women's Project, University of Maryland, European Division, contributed insight regarding the relationship between faculty collective bargaining and students.

We continue to be indebted to our colleagues and friends at the Higher Education Research Institute—especially Alexander Astin, Lena Astin, and Lewis Solmon. We are also grateful to the National Center for the Study of Collective Bargaining in Higher Education at Baruch College, City University of New York, and to Professors Harold I. Goodwin and John Andes at West Virginia University, who provided analyses of contract content. Frank Mensel, former president of the College and University Personnel Association, allowed us to draw from CUPA's extensive 1979 survey of college and university personnel officers throughout the country.

Special thanks also must go to our research assistants Michael Moehler and Val Fabricus, both doctoral students at North Texas State University. George Morrow of the North Texas State University Computer Center has our deep appreciation for expediting the seemingly endless requests for computer runs. Our typists and secretaries—Robin Brain, Sandy Behrens, Avonna Davis, and Rebecca Highman—are to be thanked for putting up with our many demands and for doing such an excellent job under pressure.

Overview

The decade of the '70s saw an enormous growth in pro-union sentiment and in the number of faculty unions at institutions of higher education in this country. There are now more than 681 unionized campuses, and more than one out of every four faculty and professional staff members in the country have joined a union.

Not all segments of higher education are equally represented in this explosion of union activity. Of the 681 unionized institutions in 1981, 428 were two-year colleges. Fewer than 100 private colleges and universities are unionized, and few public and private institutions commonly regarded as prestigious have faculty unions. However, many public colleges and universities in the country are now unionized. Although far more two-year institutions are unionized than four-year institutions, because the four-year schools are bigger, they account for two-thirds of all unionized faculty members (Swift 1979, p. 12; Lee 1978, p. 2).

Continued growth of faculty unionization at public colleges and universities is handicapped by the absence of strong collective bargaining laws in half the states (Lee 1978, p. 12). In addition, the thrust toward collective bargaining in the private sector received a major setback when the U.S. Supreme Court decided in 1980 that the Yeshiva University faculty—and, by implication, faculty at other private campuses—was forbidden under the National Labor Relations Act from forming a union (Zirkel 1981). In fact, the spill-over of the *Yeshiva* decision into the public sector, coupled with the likely termination of collective bargaining at some private institutions when current agreements lapse, may result in a decline in the number of unionized campuses in the next few years (Zirkel 1981, p. 2). However, it is doubtful that the momentum toward unionization will be interrupted for long if employment conditions worsen and organized labor makes a concerted effort in the state legislative arena to extend enabling legislation. The current unionization of four-year campuses in California will, by itself, ensure that the number of individuals in unions will increase.

In this chapter we give an overview of what our research has revealed about the impact of faculty collective bargaining on higher education. Selected topics are addressed in greater detail in the four subsequent chapters.

Some First Impressions from a National Survey

In our 1974 survey we asked respondents to rate several factors as causes of unionization, both nationally and on their campuses. Their responses revealed that economic factors—desire for higher wages and greater benefits, fear of budget cuts, and desire for job security—predominated. Other issues were secondary: more influence in campus governance, fairer grievance procedures, and more professional standing. (For a detailed analysis of 1974 survey data, see Kemerer and Baldridge 1975.) We were curious to learn how unionization had affected feelings about these issues five years later. Thus, although the 1979 survey questionnaire was patterned after the 1974 instrument, we altered the questions slightly for the 1979 survey. We also questioned, in addition to campus presidents and faculty union chair-

persons, two groups not surveyed in 1974: administrators of large university systems and union central office officials.

Table 1 gives the opinions of 1979 respondents, viewing the situation nationally. As a group, our respondents believe unions have had the greatest positive impact by providing fairer grievance procedures. Although they feel collective bargaining has had some positive influence on wages and job security, they conclude it has not helped much with budget cuts or governance problems. They think unions have been least helpful with the oversupply of academicians and the professional standing of faculty. Although groups of respondents differ in their views, they show the same patterns.

In 1979 we also asked the respondents at unionized institutions about the impact of unionization at their local campuses (Table 2). Groups of respondents vary greatly in their views, seemingly proving the truth of the maxim, "Where you stand depends on where you sit." At one extreme are union central office officials, beating the drum for unionization; at the other are campus presidents and system administrators, whistling the tune of union failure.

Although all respondent groups see unions as having at least some positive influence on wages, benefits, and job security at their institutions, once again the highest success ratings are given to obtaining fairer grievance procedures. Institution-oriented and union-oriented respondents agree that the collective bargaining process has helped channel and regulate conflict through the grievance procedure. The belief is strongest at public colleges and universities. Conflict-management has long been recognized as a benefit of collective bargaining in the industrial setting, and that benefit seems to carry over into higher education. One veteran commentator on academic unionization maintains that "other than wages and benefits, faculty unions primarily negotiate procedures; they do not negotiate the right to substitute their decisions for those of management" (Angell 1978, p. 287).

Contract analysis adds credence to our survey results, for it shows that the parties are using the collective bargaining agreement to clarify procedures by specifying who does what and what happens when a dispute arises. From their extensive analysis of 205 contracts, Chandler and Julius (1979) concluded that both faculty members and administrators seek to incorporate their traditional rights into the contract, which then serves to clarify and protect those rights. More than 95 percent of both presidents and union chairpersons responding to our 1979 survey believe that bargaining has caused greater specificity of rules and regulations.

Our respondents believe unions have been least effective on their campuses in strengthening existing faculty governance (such as senates) and enhancing professional standing. Administrators say that unions have actually hurt in these areas.

Our survey findings can be summarized as follows:

- Union officials, not surprisingly, rate unions as more successful than administrators do. The surprise is that after years of steadfast opposition,

Table 1: Opinions About Impact of Faculty Bargaining Nationally, 1979

(mean ratings on 5-point scale)

	Economic Benefits				Governance Benefits			Professional Benefits
	Higher wages & benefits	Protection against budget cuts	Protection against teacher surplus	Greater job security	Fairer grievance procedure	More faculty influence in campus governance	Stronger existing faculty governance	More professional standing
Presidents, nonunionized campuses (n=55)	3.3	3.1	2.8	3.2	3.7	2.9	2.6	2.1
Presidents, unionized campuses (n=248)	3.7	2.9	2.7	3.6	4.0	3.0	2.5	2.0
Campus union chair-persons (n=249)	4.5	3.6	3.2	4.2	4.5	3.9	3.8	3.2
System administrators (n=45)	3.6	3.1	2.8	3.6	4.0	3.0	2.7	2.2
Union central office officials (n=12)	4.7	3.8	3.3	4.4	4.6	4.0	3.7	3.5
All Respondents	4.0	3.2	2.9	3.8	4.2	3.3	3.0	2.5

Opinions given as mean ratings on 5-point scale: 1 = Unions have hurt significantly; 2 = Unions have hurt a little; 3 = Unions have had no impact; 4 = Unions have helped a little; 5 = Unions have helped significantly.

Table 2: Opinions About Impact of Faculty Bargaining at Unionized Campuses, 1979
(mean ratings on 5-point scale)

	Economic Benefits			Governance Benefits			Professional Benefits
	Higher wages & benefits	Protection against budget cuts	Greater job security	Fairer grievance procedure	More faculty influence in campus governance	Stronger existing faculty governance	More professional standing
Multiversities							
Presidents (n=7)	3.6	3.0	3.3	3.6	2.9	2.0	2.4
Campus union chairpersons (n=5)	4.4	3.8	3.6	4.4	3.8	3.6	3.0
Public Colleges and Universities							
Presidents (n=61)	3.6	3.0	3.4	4.1	2.8	2.5	2.0
Campus union chairpersons (n=59)	4.5	3.9	4.2	4.7	4.2	3.9	3.5
Liberal Arts Colleges							
Presidents (n=19)	3.3	2.7	3.5	3.9	2.6	2.6	2.2
Campus union chairpersons (n=18)	4.3	3.9	4.7	4.7	4.1	3.9	3.9

Two-Year Colleges							
Presidents (n=153)	3.6	2.9	3.5	3.8	2.7	2.3	2.0
Campus union chairpersons (n=169)	4.4	3.5	4.2	4.5	3.7	3.8	3.4
All Institutions							
Presidents (n=240)	3.6	2.9	3.5	3.9	2.7	2.4	2.0
Campus union chairpersons (n=251)	4.4	3.7	4.3	4.6	3.9	3.8	3.4
System administrators (n=46)	3.5	3.0	3.3	3.9	2.6	2.3	2.1
Union central office officials (n=12)	4.7	4.2	4.5	4.8	4.2	3.8	3.8

Opinions given as mean ratings on 5-point scale: 1 = Unions have hurt significantly; 2 = Unions have hurt a little; 3 = Unions have had no impact; 4 = Unions have helped a little; 5 = Unions have helped significantly.

administrators do give unions a slightly favorable rating overall.

- "Fairer grievance procedures" is seen as the most positive outcome of unionization, by both union officials and administrators.
- "Economic progress" is rated as the next most positive outcome overall, but administrators are less certain about unionization's positive influence in this area, especially regarding protection against budget cuts. "Governance benefits" and "improvement of professional standing" get weak ratings: Administrators say unions have hurt a little, while union officials say unions have helped a little—but, overall, the impression is that not much has changed. (For a more complete discussion of the impact on governance see Baldridge and Kemerer 1975; Kemerer and Baldridge 1981.)

On the whole, there seems to be a modestly favorable attitude toward union successes. We asked respondents if bargaining has made "as much difference as they expected." At unionized campuses, half the presidents and 35 percent of the union chairpersons either were neutral on the issue or said it had not. Perhaps unions do not do as much—either positively or negatively—as people thought they would.

We must be careful not to read too much into these findings. The more one studies collective bargaining in academia, the more one learns to appreciate the importance of situational factors in its development. Institutions and individuals differ widely; what may be a significant problem on one campus is not on another. Then too, the legal framework within which collective bargaining is conducted differs substantially from state to state. Matters such as scope of bargaining, size and composition of the bargaining unit, allowable sanctions, and arbitration rights are all legal issues that vary significantly.

Economic Benefits: Tough Times Retard Gains

Debate has never ceased over the impact of unions on the wages of their members, particularly in comparison with the wages of their nonunionized counterparts. It frequently is asserted that nonunionized workers earn at least as much as unionized workers. Some people claim that union expenses, which union members pay in the form of dues, coupled with the diversion of employer profits to cover the expenses of negotiating and administering a contract, offset any advantage claimed by the unionized work force (Bennett and Johnson 1979).

At the time of our 1974 research, several studies had been conducted, with somewhat conflicting findings. We concluded in *Unions on Campus* that the best available evidence suggested that collective bargaining generally had improved the economic conditions of unionized faculty members over their nonunionized counterparts.

In the years since publication of our book, several additional studies have been conducted. A recent one (Guthrie-Morse, Leslie, and Hu 1981), which both examined previous research and used a sophisticated regression model to explain the complex interplay of variables acting upon faculty

compensation, concluded that the average unionized faculty member in the 1970s earned $750 to $900 more each year than his nonunionized counterpart—but that the discrepancy in pay has decreased in the past several years, disappearing altogether when local cost of living differences are taken into account. The study noted that unions bring great economic benefits to faculty in the private sector, and that unions appear to yield the greatest dividends to individuals at either the top or the bottom of the academic ladder. (A later chapter, "Winners and Losers," takes a closer look at this issue.) The researchers also reported that unions provide a $200 to $300 advantage in fringe benefits.

These are modest differences. Continuing inflation coupled with a decline in revenue probably will continue to erode union advantages at many institutions. Even where salaries are high, increasing workloads may balance out apparent differences among institutions. At Fairleigh Dickinson University, for example, professors were asked to increase their load from four to five courses a term (in response the faculty "walked out" as classes began in 1979). Kelly's (1979) research lends credence to the view that initial gains by unionized faculty may be only cosmetic. He notes that higher salaries have not necessarily meant a better overall work situation in terms of appropriations or endowments. Rather, unions have found decreased appropriations for such things as travel, research, and teaching assistants and increased teaching loads the price of higher salaries.

Thus, it appears that although unionized employees generally have some salary and fringe benefit advantages over nonunionized employees in normal times, these may erode quickly in periods of high inflation and budget cutting—conditions that likely will characterize higher education for some time to come.

The Political Arena: A Stronger Voice for Faculty

Since more and more decisions affecting higher education are being made in the legislative arena, faculty members will have to increase their influence in that arena. Clearly, unions are in a unique position to help provide their constituents with political power (Shanker 1978). Faculty senates generally confine themselves to campus issues; professional associations generally focus on subject-matter concerns; and administrators who represent institutions may not always have faculty interests as their top priority.

The growth of faculty unionism thus may lend a stronger faculty voice in the governmental arena. The National Education Association (NEA) with its nearly 2 million members and the American Federation of Teachers (AFT) with its AFL-CIO affiliation are powerful lobbyists in Washington and in many states. An example of their power was seen in a episode that occurred in 1979 in Illinois. Both houses of the state legislature overrode Governor James R. Thompson's veto of a union-favored bill granting tenure to all full-time public community college faculty members who teach for three consecutive school years. The bill was strongly opposed by the Illinois Community College Trustees Association, whose executive director labeled the law "a blow to local control of our colleges" and said it "represents a

large victory for faculty unions" (*Higher Education and National Affairs*, 1979).

It should be recognized, however, that in some states, such as Texas and Oklahoma, where organized labor always has been weak, a push toward greater political clout through unions could well be counterproductive. Legislators in these states are as concerned about the overbuilt higher education establishment as are their counterparts in other states and may see considerable political mileage in opposing unions, particularly in light of the conservative shift of the electorate evident at the start of the '80s.

Of course, the larger the membership, the stronger the union. In the battle for clout, the American Association of University Professors (AAUP) is at a definite disadvantage because it is the smallest and weakest contender. Plagued by the issue of identity—union versus association—the AAUP appeared close to crisis in 1979 when its general secretary resigned after questioning the organization's ability to survive. Still, surveys show that professors in four-year colleges continue to choose AAUP as their preferred bargaining agent over all the other contenders combined (see, for example, Ladd and Lipset 1978, p. 14). The potential of the AAUP to win support from the professoriate involved in four-year undergraduate education continues to make it a likely candidate for affiliation with either AFT or NEA. Such marriages have occurred here and there at the local level—for example, between AAUP and NEA in Hawaii. Overtures from NEA and AFT for merger with the AAUP continue, and it is likely that the character of the bargaining agents for higher education faculty will undergo transition in the 1980s.

When a campus unionizes, what percentage of the faculty actually joins the union? In our 1979 survey about half the respondents said that more than 75 percent of the bargaining unit are dues-paying members—about the same as our 1974 data showed. The number indicating their union has "agency shop" status is up considerably from the previous survey. Agency shop status provides unions with considerable additional revenue since members of the bargaining unit who choose not to become dues-paying union members still must pay an annual fee to the union to help defray its expenses. In 1974, fewer than 10 percent of presidents and faculty union chairpersons responding said their unions had agency shops; in 1979 the percentage was more than 30 percent. Like increased membership, increased income from dues is closely related to increased union political strength.

Impact on Governance

The themes outlined below are explored in greater detail in the next chapter.

1. Administrators feel less threatened by unions than they did in 1974. A growing percentage believes unions will do more to undercut the role of the faculty in governance than to hurt administrators. Many administrators see bargaining as opening up opportunities for them to exercise influence; yet there is consensus that bargaining is likely to increase the power of system administrators and off-campus agencies at the expense of local administra-

tors and faculty members. There is also strong agreement that a collective bargaining contract contributes to bureaucratization and thus works to restrict change.

2. *Contrary to expectations, coexisting faculty senates and unions have stabilized their relationship.* Questionnaire responses of campus presidents and faculty union chairpersons reveal that the so-called "dual track" system, whereby senates serve faculty members' academic interests, and unions their economic interests, remains viable at campuses that have both unions and senates. The research of Douglas (1979), Lee (1978), Mortimer and Richardson (1977), and Begin (1978) supports this finding. We believe the legal environment within which unions operate and the professional concerns of faculty members are major contributers to dual track stability. However, external pressures are likely to create considerable tension between coexisting senates and unions in this decade.

3. *Local campus presidents within larger college and university systems see more decision-making power flowing to system administrators.* Our surveys indicate that an increased percentage of campus presidents believe system interference has seriously undermined local campus autonomy. There is widespread agreement that local administrators lack sufficient power over programs, personnel, and budgets to respond effectively to changing times. Our data also show that system-level administrators are gaining influence over budgetary, programmatic, and personnel matters. Systems with faculty unions show somewhat greater centralization of decision making than those without unions. The shift is particularly noticeable in unionized systems of two-year schools.

4. *In times of severe economic stress, the traditional power of campus presidents in systems, coupled with the growing influence of state fiscal agencies, subjects systems headquarters to debilitating power struggles.* Our study of the State University of New York's struggles to weather the financial crises of the 1970s, for example, reveals that the system office ("SUNY Central") is engaged in a precarious balancing act between pressures toward centralization from state fiscal agencies, the State Education Department, and the Office of Employee Relations and pressures away from centralization from campus presidents who are demanding more autonomy and control. Our case study also suggests that unions are likely to suffer when widespread programmatic and personnel retrenchment cannot be avoided. The real gainers are state fiscal agencies and legislative committees, for they have control of the purse (Kelly 1979).

5. *Many forces challenge and undermine single-campus bargaining.* Most of our conclusions about faculty bargaining pertain to large systems; different patterns emerge when bargaining is confined to a single campus. Southeastern Massachusetts University is an example of a single campus where bargaining seems more "collegial," more sensitive to local needs, and more adaptable to special requirements. However, pressures abound to force such single campuses into larger university systems and to amalgamate the union into massive bargaining units. Although Southeastern Massachusetts has resisted such pressures, it has lately begun—like many other

single campuses—to fall victim to the "larger is better" syndrome of "system-itis."

Personnel Issues: The Heart of the Matter

Our conclusions about personnel issues are detailed in the chapter titled "The Transformation of Faculty Personnel Decision Making."

1. A massive shift has occurred away from informal personnel relationships between professor and institution. Court action, civil rights legislation, and collective bargaining have contributed to the formalization and standardization of the employment relationship.

2. Neither collective bargaining nor arbitration have undermined tenure. The presence of a union appears not to have influenced the presence of a tenure system at either state institutions or at private campuses. In fact, unions have worked to develop tenure systems at two-year institutions.

3. Although unions try to get protection from termination and retrenchment, more faculty members are likely to be laid off at unionized institutions than at nonunionized institutions. This does not necessarily mean unions are ineffective; it may simply mean that institutions with financial problems are more likely to unionize in the first place. Unions generally have not secured special protection for women and minorities in the retrenchment process. Moreover, with some clear exceptions, unions generally have not been active in promoting the causes of part-time faculty members, especially in the frequent situation where part-timers are excluded from the union. At the same time, senior faculty members increasingly are becoming involved in union affairs, thus tempering the argument that unionization will reduce status differences among academic employees.

Administration and Governance

This chapter focuses on the impact of collective bargaining on administration at both the local campus and system levels and on the impact on governance, especially on academic senates.

The Centralizing Influence of Faculty Collective Bargaining

Power shifts upward when collective bargaining arrives. System-level control, statewide coordination, and the growing role of government all work to shift administrative decision making off the campus. So, too, does faculty collective bargaining (Birnbaum 1980). In 1974 more than 40 percent of the presidents at unionized campuses felt faculty collective bargaining had decreased their power. However, we stated in *Unions on Campus* (1975) that other evidence suggested this initial impression could well be mistaken. We predicted that once administrators became more familiar with the collective bargaining process, they might use it to their advantage by securing tradeoffs impossible to obtain prior to unionization.

Experience with the collective bargaining process does seem to have changed attitudes, for responses to the 1979 survey show that administrators are less pessimistic about faculty collective bargaining. As Table 3 indicates, presidents now feel less threatened, with those believing faculty collective bargaining has decreased their power declining from 41 to 34 percent and those viewing it as increasing administrative power increasing from 14 to 23 percent. The change has occurred primarily at public institutions; presidents at private liberal arts colleges feel more threatened now than in 1974. Given the traditionally strong administrative style at many of these institutions, such views may be realistic. It bears repeating that situational factors have great influence on the impact of faculty unionism at particular institutions.

Collective bargaining is an important stimulus to the power of local administrators— but it may also shift power off campus. In 1974 we asked how collective bargaining had affected the power of off-campus state agencies. About 35 percent of the presidents at institutions having faculty unions said bargaining had increased their power; 60 percent said it had made no difference. The 1979 responses show a dramatic increase in concern. More than half the presidents overall feel faculty collective bargaining has increased the power of state agencies, with that attitude increasing among presidents at all four types of institutions (see Table 3). Twice the percentage of presidents in multicampus systems (59 percent) as in non-system campuses (30 percent) having faculty unions see collective bargaining as a force in shifting power to state agencies. Campus union chairpersons are less convinced: 28 percent agree that bargaining has shifted power to state agencies, but 70 percent believe the power relationship has remained the same, and only 2 percent think the power of state agencies has decreased.

Why does power shift upward when collective bargaining arrives? In the overwhelming majority of cases, faculty in a state university system have been combined into a single system-wide bargaining unit, implying that their working conditions should be jointly—and centrally—determined. Thus, system administrators usually play an important role in contract

Table 3: Opinions of Presidents of Unionized Campuses about the Impact of Collective Bargaining on Power Relationships on their Campuses, 1974 and 1979

	Power of the Administration			Power of Off-Campus State Central Agencies			Influence of Faculty Over Administrative Issues		
	Increased	Remained same	Decreased	Increased	Remained same	Decreased	Increased	Remained same	Decreased
Multiversities									
1974 (n=12)	0%	67%	33%	50%	50%	0%	0%	88%	13%
1979 (n=7)	43	43	14	71	29	0	43	43	14
Public Colleges and Universities									
1974 (n=49)	10	51	39	57	37	7	31	57	12
1979 (n=64)	25	37	38	72	28	0	21	50	29
Private Liberal Arts Colleges									
1974 (n=11)	36	55	9	0	100	0	36	55	9
1979 (n=21)	19	52	29	26	74	0	27	50	23
Two-Year Colleges									
1974 (n=135)	14	42	44	30	66	4	42	44	14
1979 (n=172)	22	41	37	46	52	2	31	48	20
All Institutions									
1974 (n=207)	14	46	41	36	60	4	37	49	13
1979 (n=264)	23	43	34	51	47	2	29	49	22

Figures indicate percentage of presidents marking each response to question, "In your opinion, how has faculty bargaining affected the following areas of your institution?"

negotiation; in some systems (such as SUNY), the state executive branch controls the management side of the bargaining table. Other agencies, such as public employee relations boards, funding agencies, arbitrators, and courts, also stand to gain. In short, bargaining promotes a whole range of new power centers at the state level.

How has collective bargaining affected the role of the faculty in campus administration? As Table 3 shows, the percentage of presidents who believe collective bargaining has increased faculty power over administration issues declined from 37 to 29 percent. The percentage who believe the situation has remained the same is unchanged from 1974, but a greater percentage of presidents think collective bargaining actually decreases faculty power (13 percent in 1974, compared with 22 percent in 1979).

Overall, then, our survey shows that presidents feel (a) the power of administrators has increased, (b) the power of off-campus agencies has increased, and (c) the influence of the faculty has decreased. Other investigators (Douglas 1979; Lombardi 1979; Begin 1978), however, have reported findings at variance with the foregoing.

In short, although many faculty members turned to unions to prevent a shift of authority to off-campus state agencies, collective bargaining may be having precisely the opposite effect.

More power to administrators but fewer opportunities to use it. Administrators may gain power from collective bargaining in several ways. First, there usually is an increase in the number of administrators. To conduct collective bargaining successfully, a cadre of administrative specialists is needed—personnel administrators, labor relations experts, lawyers, and computer analysts, to name a few. In both 1974 and 1979, more than 80 percent of presidents at unionized campuses said collective bargaining had increased the need for specialists on their campuses. More than 50 percent of faculty union chairpersons in both surveys agreed. And in both 1974 and 1979, roughly two-thirds of presidents at unionized campuses and one-third of faculty union chairpersons said they expected specialists to replace generalists in campus administration.

New administrators are also added when department chairpersons and other administrators are included in the faculty bargaining unit. Richardson and Mortimer (1978) found that "a third echelon of key administrators with the title of dean was emerging. . . . staff positions previously titled dean had been changed to vice president, thus strenthening and, in many instances, expanding the numbers and levels of key administrators" (p. 339).

Faculty collective bargaining stimulates the addition of new management tools such as management information systems because negotiations cannot be conducted effectively without abundant information about institutional economics. These management tools frequently are important sources of new administrative power. Baldridge and Tierney (1979) concluded in a recent study that "many management innovations will tend to centralize authority, since information and planning may be centered in a few hands. Thus, it was disconcerting to find that faculty members, in

particular, felt that power and authority on the. . .campuses were increasingly concentrated in the hands of. . .administrators" (p. 10).

Administrators are also gaining power by acting on their perception of collective bargaining as a two-way street. They do not hesitate to take an aggressive management position, demanding important trade-offs in return for desired benefits (Weston, Nadler, and Klinefelter 1978). The tough management position at the University of Hawaii system in the early stages of bargaining proved a decided setback to faculty unionization there. The aggressive bargaining position of the Office of Employee Relations in New York has prevented the SUNY faculty union from getting many governance-related items into the contract.

Although administrators may gain influence, not all gain equally. Campus presidents in multicampus systems see system administrators and state agencies as gaining power at their expense. Likewise, "middle management" personnel—deans and vice presidents—often feel squeezed. Furthermore, the exercise of administrative power is likely to be more constrained under a collective bargaining contract (Lombardi 1979). An example is a recent episode at Florida State University. A review by the university of the nursing program at one university in the system revealed an unacceptably high percentage of graduates were unable to pass the state certification exams. After reviewing the recommendations of outside evaluators, some administrators decided to terminate the program temporarily, lay off the tenured and nontenured faculty, and later replace them with new hires. They were informed that such action was not permitted under the layoff and termination procedures specified in the collective bargaining agreement. The contemplated action was, more properly, termination for cause, and such action would first require a hearing at which the administration would bear the burden of proving that the failure of the program was due to faculty incompetence or misconduct. After long deliberation, the administrators concluded that the problems with the program could not be clearly laid at the feet of the faculty, and they did not request a hearing. (In fact, they determined that some of the responsibility lay with the supervision and direction, or lack thereof, faculty received.) Subsequently it was decided that the administration would work with the faculty to improve their ability and performance as a way of improving the program.

The barrier collective bargaining can be for administrative decision making is most likely to be apparent in situations of financial exigency. For example, at the 14-campus Pennsylvania State College and University system in the mid-1970s, the faculty union used the grievance process to thwart retrenchment, specifically the dismissal of 82 faculty members. One tactic was to hamstring the administrtion by filing 82 separate actions. Eventually a deal was made with the union so that no faculty members were dismissed, but the episode demonstrates that faculty unions will use contractual provisions to prevent quick action.

Furthermore, once an aggressive administrative tactic has been tried, the opportunity for a similar use of power may be limited by the union's plugging the gap in future negotiations. In our 1979 survey, more than 90

percent of presidents at unionized institutions agree that faculty collective bargaining has been accompanied by new rigidities and bureaucratization. For example, fully 96 percent agree that bargaining has caused greater specificity of employment rules and regulations. Sometimes this is positive and helps both faculty and institutions develop fairer, sensible procedures. At other times overly rigid personnel procedures can hamstring otherwise reasonable action.

Implications for Administrative Training and Style

What emerges, then, is a dramatically changed world for higher education administration. Public campus presidents are likely to see further amalgamation of single campuses into multicampus systems. This will certainly occur among two-year institutions as states assume greater and greater funding responsibilities. And state coordinating boards and state agencies will struggle to manage ever-scarcer resources in a period of enrollment instability. Few institutions can manage without federal assistance, so there will be little relief from the burdens of bureaucratic red tape (Stein 1979).

Internally, faculty collective bargaining will continue to have an impact on campus administration. It may actually increase administrative power, reducing day-to-day faculty influence. And bargaining will shift power off campus to public employment relations boards, funding sources, courts, arbitrators, and system administrators.

One implication of all these changes is a shift in administrative style. Some commentators are noting the increasingly political nature of a campus president's and system administrator's job (see, for example, Baldridge 1971, 1978). Administrators need to develop skills of communication, coalition-building, and lobbying (Jacobs 1979). In urging presidents to pay more attention to the legislative arena, Angell (1977) argues that most campus presidents "are generally afraid of regional politicians and of creating antagonisms not only among legislators but among faculty, trustees, state departments (especially the governor's budget office), and state boards of higher education" (pp. 102–103). As a result, they spend too much time mediating internal disputes and too little time representing their institutions off campus.

Although administrators as a group have become less gun-shy of academic collective bargaining, many still deplore faculty unionism and never seem to get beyond the tense, conflict-ridden initial stages. In their intensive study of six diverse, unionized institutions, Richardson and Mortimer (1978) concluded that administrators who had made the greatest progress in accommodating their campuses to bargaining had "a high level of communication, evidence of staff development programs aimed at teaching administrators how to function effectively under collective bargaining, more delegation of authority from the president, and a team approach to decision making" (p. 340).

With most of the institutional resources under their control (at least in contrast with other campus-based groups), administrators have a unique opportunity to shape the collective bargaining process to the best interests

Table 4: Opinions About the Impact of Faculty Collective Bargaining on Various Issues, 1974 and 1979

	Presidents, nonunionized campuses		Presidents, unionized campuses		Faculty union chair-persons		System adminis-trators[a]	Union central office officials[a]
	1974 (n=134)	1979 (n=68)	1974 (n=204)	1979 (n=265)	1974 (n=193)	1979 (n=212)	1979 (n=48)	1979 (n=12)
1. Collective bargaining has increased the effectiveness of institutional governance.	10%	7%	20%	14%	77%	58%	27%	64%
2. Collective bargaining has improved the accountability and responsiveness of the institutions to the community it serves.	11	2	13	5	54	33	16	67
3. Collective bargaining has helped improve the quality of educational services on the campus.	4	2	7	4	77	47	4	58
4. Collective bargaining will reduce the difference between junior and senior faculty on issues such as salary, workload.	31	25	38	28	66	50	31	58
5. Collective bargaining has democratized decision making by allowing junior faculty to play a greater role.	14	16	26	16	72	58	14	50

6. There have been significant tensions over collective bargaining issues between junior and senior faculty on our campus.[b]	—	18	—	33	—	19	35	17
7. Collective bargaining has increased the voice of the average faculty member in academic matters.	9	10	17	10	72	56	16	75
8. Collective bargaining will help safeguard faculty rights and academic freedom.	9	16	32	32	95	96	31	92
9. I favor more variations in contracts for unique campus-by-campus needs.[b]	—	53	—	74	—	75	56	83

Figures indicate percentages of respondents agreeing with the statements.
[a]Not questioned in 1974.
[b]Questions not asked in 1974.

of the campus community as a whole. But if they lack adequate knowledge about the bargaining process, they will not be able to take advantage of this opportunity. Administrators often have not been prepared to cope with faculty unions. In our 1979 survey, 56 percent of presidents at institutions having faculty unions report that system administrators have not been helpful in training local administrators in collective bargaining; only 31 percent say they have received training. Kersteins (1977, p. 3) found similar results in his survey of middle managers at El Camino College. In contrast, faculty unions chairpersons say they have been well prepared. Lack of preparation particularly handicaps administrators during the initial rounds of negotiations, when long-term commitments and trade-offs are made.

Changes in training and style, then, will be essential if administrators hope to assert some control over their institutions' destinies. With power flowing in several directions at once, the job of administration has become significantly more complex.

Academic Governance: Less Union Influence than Expected

Since 1974 there has been a sharp decrease in the percentage of people who believe that collective bargaining has increased the effectiveness of institutional governance (Table 4, question 1). The decrease for faculty union chairpersons responding to the survey is particularly marked (from 77 to 58 percent). Moreover, there is less support now for the views that collective bargaining has improved institutional accountability and has helped improve the quality of educational services on campus (Table 4, questions 2 and 3). Once again, while the percentage of presidents holding these views is down slightly from 1974, the most noticeable decline has occurred among faculty union chairpersons. In 1974, 54 percent of union chairpersons believed collective bargaining would improve institutional accountability, compared with 33 percent in 1979; in 1974, 77 percent believed that collective bargaining had improved educational services, compared with 47 percent in 1979.

Unions sometimes challenge senates—yet the dual track survives. In 1979, 14 percent of responding presidents of nonunionized campuses, and 30 percent of presidents of unionized campuses, reported that their institutions did not have a senate or equivalent body. Community colleges were most frequently without senates (25 percent of nonunionized and 38 percent of unionized campuses). Most presidents of nonunionized institutions lacking senates said there had never been such a body at their institutions. In contrast, the majority of presidents of unionized campuses lacking senates said their institutions had had senates at one time but that the union had replaced it!

We wrote in *Unions on Campus* that the competitiveness of unions, coupled with the well-known tendency for contracts to expand over time, posed a direct threat to peaceful coexistence of faculty senates and unions on the same campus. While we did not forecast an end to governance systems, we were frankly skeptical about the continued viability of the "dual

track" arrangement, with the senate focusing on academic matters and the union, on economic matters. It is interesting to note that the California state legislature apparently also feared this possibility. The California collective bargaining statute is written explicitly to preserve the autonomy and authority of faculty senates over academic matters (*Issues in Planning for the Eighties* 1980).

Before we discuss further our findings about union-senate interaction, we want to underscore an important point that may limit the conclusions. Unions have been formed on campuses that we know from the other data (Baldridge et al. 1978) traditionally have had weak senates and weak faculty participation in governance.

We should note that most of the unionized institutions come from the two-year and four-year public college sectors. These campuses generally did not have a long tradition of extensive faculty participation in governance (Baldridge 1978; Begin 1978; Lee 1978). Thus, although we can determine the impact of unionization on these fairly weak senates, we can be less sure about their impact at institutions with a long tradition of faculty governance.

With this warning, let us turn to the questions: How viable has been the cooperation between unions and senates? Has the "dual track" worked? To get some sense of changes, we looked at senate-union relations at institutions with a collective bargaining history predating 1975. The 1974 and 1979 ratings regarding senate and union influence at these institutions are included in Table 5.

A careful review of the data indicates that the dual track concept is still alive (at least at the institutions represented by survey respondents)—unions do some things, senates do different things. In fact, the demarcation lines seem clearer in 1979 than in 1974. Note that presidents see a slight increase in senate influence in such academic areas as admissions, degree requirements, and curriculum, while they view unions as increasing their influence over such economic matters as faculty salaries and working conditions. There is considerable agreement in the responses of presidents and faculty union chairpersons. (See also Douglas 1979; Lee 1978).

According to our respondents, neither senates nor unions have much influence over department budgets. Presidents do see some increase in senate influence over long-range planning, probably the result of the hard times facing most institutions and the belief that administrators need help from governance bodies to adjust their campuses successfully to changing times (Mortimer 1978, p. 13). While senates have gained in this area, union influence remains low or has actually declined (as most evident in the views of union chairpersons at two-year institutions). Interestingly, union chairpersons at two-year campuses see the union as actually losing influence in all governance areas. This loss probably reflects disillusionment as a result of union impotence in the face of inflation, budget cutting, and enrollment decline.

Our respondents rate union influence highest on salary matters. This in part reflects faculty concern over salaries; it also reflects the fact that salaries traditionally is a mandatory topic of bargaining (it is an unfair labor

Table 5: Opinions About Influence of Senates and Unions on Institution Issues, 1974 and 1979
(mean ratings on 5-point scale)

	Curriculum		Degree Require-ments		Long-Range Planning		Admissions Policy		Faculty Promotion and Tenure Policies		Department Budgets		Faculty Hiring Policies		Faculty Working Conditions		Faculty Salaries and Fringe Benefits	
	1974	1979	1974	1979	1974	1979	1974	1979	1974	1979	1974	1979	1974	1979	1974	1979	1974	1979
Four-Year and Graduate Institutions																		
Presidents (n=59/43)[a]																		
Senates	4.2	4.3	3.9	4.1	3.2	3.4	2.9	3.0	3.1	2.7	1.9	1.5	2.5	2.0	2.2	1.7	1.5	1.4
Unions	1.7	1.6	1.5	1.4	1.9	1.9	1.3	1.2	2.9	3.2	1.6	1.4	2.3	2.5	2.8	3.5	4.1	4.7
Campus Union Chairpersons (n=56/48)[a]																		
Senates	3.8	4.0	3.7	3.7	2.6	3.2	2.5	2.6	2.7	2.3	1.5	1.6	1.8	2.0	1.6	1.7	1.3	1.2
Unions	1.8	1.7	1.5	1.6	2.4	2.3	1.4	1.3	3.7	3.7	1.4	1.5	2.7	2.9	3.7	3.8	4.7	4.5
Two-Year Institutions																		
Presidents (n=70/46)[a]																		
Senates	3.8	4.1	3.7	3.8	3.2	3.3	2.8	2.7	2.7	2.4	2.3	2.1	2.5	2.2	2.5	1.8	2.0	1.3
Unions	1.6	1.8	1.6	1.6	1.6	1.7	1.2	1.3	3.3	3.4	1.7	1.6	2.3	2.7	4.2	4.1	4.7	4.9
Campus Union Chairpersons (n=78/60)[a]																		
Senates	3.6	3.9	3.3	3.7	2.7	3.1	2.2	2.4	2.4	1.9	1.7	1.9	1.9	2.1	1.9	1.9	1.7	1.4
Unions	2.2	1.9	1.8	1.8	2.6	2.2	1.6	1.3	3.9	3.6	2.0	1.6	3.1	2.7	4.1	4.0	4.6	4.4

Numbers are mean ratings in response to the question, "How much influence does the faculty union and senate have on these issues at your institutions?" 1 = low influence, 5 = high influence. Only respondents at campuses having a collective bargaining contract prior to 1975 are included from the 1979 survey so as to approximate the 1974 group. [a]First number applies to 1974 survey, second number to 1979 survey.

practice for management to refuse to negotiate over salaries). Otherwise, the influence of unions and senates tends to be moderate or low. If unions do not exercise power, who does? Obviously, many matters remain the prerogative of academic departments and administrators. And, as noted earlier, there is ample evidence that administrators have become less gun-shy of faculty collective bargaining and are taking a tougher stance at the bargaining table; they are asserting more and more control generally as their campuses face severe external pressures.

Confirmation of the low profile unions have had in matters of governance comes from studies of collective bargaining contracts. In a study conducted especially for this report, Harold I. Goodwin and John Andes of West Virginia University examined all institutions that had bargaining before 1975. They found little expansion in language dealing with governance since 1974. For example, only 7 percent of contracts mentioned the senate in 1974, and this figure rose only to 10 percent in 1979. There was actually a decrease in the percentage of contracts having language pertaining to governance, from 27 to 23 percent. Where governance provisions are included, most often the contracts merely incorporate prior arrangements specified in faculty handbooks, AAUP policy statements, and the like. Contract provisions deal most frequently with traditional union concerns such as money, working conditions, and job security—not with governance.

Is the lack of union influence over academic areas a sign of weakness? Some people think so. Adler (1977) concluded from his research that:

> *If the premise of unionization can be no better realized than suggested by the results of study... it is evident that only collective bargaining enthusiasts will insist that unionization offers a genuine, certain, and optimal improvement directly attributable to the bargaining process. To make this claim even potentially valid for the future will require significantly more attention to broad aspects of governance through the development of a core program of objectives centering on governance issues as sharply as they now do on salary and working conditions (pp. 32–33).*

Legal constraints hinder union expansion into governance. Weakness certainly is a factor in the limited influence of unions at many institutions, particularly at administratively dominated two-year colleges. But other factors seem particularly influential, especially the legal framework. Spirited debate and controversy continues about whether unions should be allowed to negotiate governance issues. The Carnegie Commission (1977), for example, has gone on record favoring limiting the scope of bargaining to economic issues and the securing of statutory protection for "collegial rights." Unions, on the other hand, often demand broad bargaining rights. And some people, such as Feller and Finkin (1977) opt for a wide-open stance on permissible bargaining topics:

> *The better policy, we believe, is to place no restrictions on the bargaining process and to allow the parties themselves, either by agreeing or by*

disagreeing, to determine the relationship between the matters to be settled in the collective bargaining agreement and the matters to be settled through the established procedures of academic government (p. 168).

Many—but not all—collective bargaining laws have confined the scope of required bargaining to traditional economic matters. This may help account for limited negotiation of governance topics at some campuses, although commentators often assert that the outcomes of bargaining are not totally in line with legal rulings, since the parties do what is necessary to arrange trade-offs and secure compromises. Nevertheless, unions in many states are legally hindered from moving into governance policies, and our survey respondents agree that unions have little influence on such matters.

Other restraining factors. If unions had carte blanche to negotiate governance matters, would they seek to destroy senates, replacing them with union-controlled bodies? Or would they seek to secure a voice for the faculty in governance matters independent of the union? When unions were just getting started in 1973, Ladd and Lipset (1973, pp 28ff.) argued that faculty members at prestigious institutions would be torn between their pro-union views and their academic values, opting in the end not to join unions. Irrespective of the legal environment, we believe this tension is still an important influence maintaining dual tracks for union and senate. Even when academicians join unions, their professional commitments are often sufficiently strong to restrain the unions from encroaching on senate and department territory.

At the same time, unions can even strengthen faculty influence over governance by incorporating prior arrangements into the contract, thus providing a degree of security not present at nonunionized institutions, where faculty governance usually depends on administrative willingness to share authority. We would not be so surprised to find unions supporting faculty governance if we remember that unions reflect the characteristics of their members. Since faculty at two-year campuses often are trying to secure the professional prerogatives their counterparts at four-year campuses have, and since the latter group is trying to prevent erosion of those prerogatives, it is unlikely that a union will be quick to negotiate away faculty governance rights. Indeed, when asked in our 1979 survey, "Has the faculty union undermined the faculty senate or other established decision body?" nearly 70 percent of the union chairpersons said "no" or reported "no change."

Administrative support for senates is also closely related to senate vitality. Rather than make unilateral decisions about such issues as curriculum, admissions, and degree requirements, most administrators see it in their best interest to solicit the opinions of faculty, many of whom offer a high level of expertise. The senate can offer an arena free from the inevitable adversary atmosphere of collective bargaining. Deliberative bodies provide a useful forum where issues can be discussed painstakingly.

However, if administrators feel that the collegial relationship produces

consistently bad advice or that the senate is so dominated by union sentiment that it represents "another bite at the apple" (the first being the bargaining table), they probably will withdraw support and recognition from the senate. The Florida Board to Regents, for example, recently withdrew support of the system-wide Faculty Senate Council of the state university system because that organization increasingly was dominated by union activists. Much of the council's time and discussion had been devoted to union causes and activities, and once the union had a majority on the council, it stopped taking matters back to constituent universities for expression of sentiment. The council frequently voted to demand action by the regents only to have local campus senates disagree. In short, the council's actions were at such variance with predominant faculty sentiment and expectation that three universities, including two of the largest, stopped sending representatives. Soon, fewer than half the faculty were represented at monthly council meetings. Finally, upon recommendation of the Council of University Presidents, the Board of Regents voted to withdraw its support and recognition of the council. The regents then asked the presidents of the faculty senates from all of the universities to meet with regents staff to develop a new consultative mechanism to provide for faculty participation in system-wide activity. A new group, the Faculty Advisory Forum, consisting of the faculty senate presidents has been created. The Forum meets with regents staff to discuss system-wide matters; members then go back to their universities for discussion and vote.

Relationships with Administrators: Formal and By-The-Book

How has collective bargaining affected faculty-administrator relationships? Personalities and local campus events greatly influence day-to-day relationships under a collective bargaining agreement. On some campuses, the transition to collective bargaining has been relatively smooth, even welcomed. The experience at Southwestern Massachusetts University is particularly illustrative. There, the parties used collective bargaining to achieve a more harmonious relationship. On other campuses, bargaining has generated considerable conflict and turmoil—as was Los Angeles Community College system's experience with bargaining amid the onslaught of Proposition 13. It is clear that to determine the character of the ongoing relationships between the parties under collective bargaining at a particular institution, there is no alternative but to study that institution. Begin (1979) concurs: "Several patterns of relationship develop depending upon the nature of the underlying organizational and environmental factors" (p. 94).

We can see some general national trends, however. The responses to our 1979 survey lend further support to a widely recognized result of collective bargaining: More than 90 percent of all the respondents believe that faculty collective bargaining has formalized relationships between faculty and administration. This percentage is slightly higher than that in the 1974 survey, indicating that consensus on this point is even greater today.

There are several concrete expressions of that formalization. First, both presidents and chairpersons are nearly unanimous in believing that collec-

tive bargaining has resulted in greater specificity of employment rules. Second, a formal grievance process is an integral part of virtually all contracts. It is clear that collective bargaining establishes definite demarcation lines between employers and employees, providing a means for the faculty to challenge some administrative decisions. The informality so characteristic of faculty-administrative relationships prior to bargaining usually diminishes. One is either on the union side or the management side of the table.

Looking to the future, we feel confident in predicting that polarization of administrators and faculty over issues involving personnel and programs (the areas of most painful management decisions) will increase, leading to frequent use of the grievance system to challenge management's actions. In contrast, Kelly (1979, p. 96) believes the outcome may be contracts that spell out procedures to be followed in these sensitive areas in great detail, thus leaving few actions open to challenge. The question that remains for us is whether escalating conflict will undermine collegiality in nonpersonnel areas.

Winners and Losers in Academic Collective Bargaining

In our 1975 book *Unions on Campus* we offered several views about likely beneficiaries of academic collective bargaining. We also expressed some concerns about its overall consequences for the faculty, for students, and for higher education in general. In this chapter, we reconsider those views.

Impact of Collective Bargaining on Faculty

Disenfranchised faculty gain less than expected. We suggested in *Unions on Campus* that the most disenfranchised faculty—younger, nontenured, part-timers—were likely to realize the greatest gains from faculty unionization. Today, we are not so sure. Responses to our 1979 survey reveal no consensus that bargaining has reduced status differences between junior and senior faculty. Five years ago, 38 percent of presidents at unionized campuses and 66 percent of campus union chairpersons felt that such leveling had occurred on their campuses. Now the percentages stand at 28 and 50 percent, respectively (see Table 4, question 4). Begin (1978, pp. 26–28, 55–65) also found mixed results concerning the effects of bargaining status.

Similarly, from 1974 to 1979 there was a decline in the percentage who believe that "collective bargaining has democratized decision making by allowing junior faculty to play a greater role"—a decline of 10 percent for presidents at unionized campuses and 14 percent for faculty union chairpersons (see Table 4, question 5). Surprisingly, tension between junior and senior faculty is not seen as a significant problem by the majorioty of respondents (Table 4, question 6).

Our survey results confirm Chandler and Julius' (1979) conclusion from their recent study of collective bargaining contracts that faculty members are more inclined to preserve prior status differences in contracts than to negotiate them away (p. 48). Additional confirmation comes from Guthrie-Morse, Leslie, and Hu's (1981) observation that the higher the faculty rank, the larger the dollar gain. However, their research does show that instructors are benefiting as much proportionately as senior faculty, leading them to conclude: "Here is solid evidence that unions do aid those at the bottom of the economic and security ladder" (p. 252).

Although generalizations are risky, both questionnaire research and contract analysis suggest that the leveling process has not yet been a major outcome of collective bargaining. There are, of course, a few unique situations, such as CUNY and the University of Hawaii, where bargaining units place community college and four-year/graduate faculty together, thus forcing the union to reduce status differences. But on the whole, status differences do not appear to be eroding quickly. It may be that senior faculty on many campuses refrain from union involvement in the first stages of collective bargaining, but decide to take a greater role when they begin to see how directly union activity affects them. At SUNY, for example, our interviewees said senior faculty have become more involved in union activities as retrenchment of programs and personnel has become a reality. Certainly the employment of the agency shop and similar union security agreements will increase union membership and involve more senior faculty in union affairs. One junior faculty member at SUNY told us bitterly,

"The union doesn't speak for those of us who aren't tenured; we thought it would, but in reality we have no spokesman."

The neglected part-time faculty members. A 1979 survey by the College and University Personnel Association of all collegiate directors of personnel (response rate 40 percent) revealed that 87 percent of institutions do not award tenure to part-timers. Unionized institutions are slightly more likely to award tenure to part-time continuing faculty (see Table 7, question 8). A surprisingly high percentage (24 percent) of state institutions with collective bargaining allow tenure for this employee category. Virtually no institutions give temporary part-timers any tenure rights. An important question arises: Since many faculty members in this era of underemployment will work on a temporary basis, will unions gradually exert pressure for giving tenure to long-term part-timers?

A key issue relates to the composition of the bargaining unit. At many institutions part-timers, whether temporary or continuing, are simply excluded (*Part-Time Faculty in Two-Year Colleges* 1977). Recent experience under the National Labor Relations Board has been to exclude them, while considerable inconsistency is evident among state public employee relations boards (Head and Leslie 1979).

Even if part-timers are included in the bargaining unit, they cannot secure major benefits from collective bargaining unless there are enough of them to have an impact on union policy. In *Unions on Campus* we noted the difficulty part-timers had with the CUNY faculty union. When they are not allowed in the unit, part-timers are generally on their own, for unions consisting of only part-time employees are a rarity.

Our 1979 survey asked if faculty collective bargaining has obtained better pay, fringe benefits, and working conditions for part-time faculty. Most respondents said "no"; only union central office officials tended to say "yes" (see Table 6, question 3). Surprinsingly, there seems to be only a low level of tension between full-time and part-time faculty (See Table 6, question 4). However, tension is quite likely to increase in the future as more hard-pressed administrators use cheaper part-time faculty.

Part-time faculty present a dilemma for unions. Use of part-timers appears to be a mangement tool used to displace union workers, the goal being to reduce costs; nevertheless, part-timers *are* faculty members who have their own needs. If the number of part-timers increases and state public employee relations boards follow California's led in including part-timers who have taught for several terms in the bargaining unit, then faculty unions may well respond more directly to their needs. The analyses by Goodwin and Andes (described in the preceding chapter) show that the percentage of contracts containing provisions pertaining to part-time faculty increased from 21 percent in 1973 to 36 percent in 1979. At community colleges, the increase has been particularly dramatic—from 21 percent to 58 percent.

Given the heavy use of part-time faculty at the community college level, part-timers' greatest opportunity for gains probably is in that sector. At least

on some campuses, they may become the primary beneficiaries of collective bargaining. In the Los Angeles Community College system, for example, the union has attempted to secure tenure for part-timers. The move was not successful, but union leaders say they will try again in the next round of negotiations. With the massive shift toward part-time employment, as reported by Tuckman (1978) and others, we are likely to see a major change in faculty career patterns. Unions probably will respond to those changes by demanding that part-time faculty who teach on a continuing basis be included in the bargaining unit and be accorded the same rights and protections as full-timers.

Fewer union benefits than expected for the average faculty member. We suggested in *Unions on Campus* that the average faculty member stood to gain from collective bargaining. We still believe this, but clearly the harsh environmental conditions affecting higher education are undercutting union successes. In some instances, such as CUNY and SUNY, faculty unions become virtually powerless as money runs out and students disappear (Bennett and Johnson 1979). In other situations, management has become more skilled at negotiation and contract administration, restricting union gains.

Our 1979 survey indicates some disillusionment with collective bargaining as it affects the average faculty member. We asked: "Has collective bargaining increased the voice of the unionized faculty member in academic affairs?" (Table 4, question 7). The percentage of presidents who said "yes" decreased from 17 percent in 1974 to 10 percent in 1979, and the percentage of campus union chairpersons from 70 percent to 56 percent.

Overall, then, it is increasingly difficult to generalize about likely winners and losers from faculty collective bargaining as unions bump up against problems beyond their control. Clearly, all academicians—administrators included—stand to gain from the regularization of decision making and the channeling of conflict introduced by the collective bargaining agreement. Faculty members are also likely to gain as a group from union involvement in legislative affairs. But collective bargaining does not guarantee any particular segment of the faculty a gravy train. In short, unions on many campuses are likely to help the average faculty member, but the benefits are more likely to be modest than dramatic in today's economic and political climate. We know the gains have been modest at best—but what would they have been *without* unions in these troubled times? And how much have nonunionized campuses responded in anticipation of unionism? We suspect there has been some positive impact—but given the tough times, the overall results have been less than spectacular.

Little protection for women and minorities. Each of the five contracts we examined in detail did have pro forma antidiscrimination clauses, but we decided to look deeper—at retrenchment policies. We thought a real commitment to affirmative action would be reflected in special protection for minorities and women in case of retrenchment. At one institution, South-

Table 6: Opinions About the Consequences of Faculty Collective Bargaining, 1979

	Presidents, Nonunionized Campuses (n=68)	Presidents, Unionized Campuses (n=265)	Faculty Union Chair-persons (n=262)	System Adminis-trators (n=49)	Union Central Office Officials (n=12)
1. Collective bargaining will result in greater specificity of employment rules and regulations	93%	96%	94%	94%	100%
2. Collective bargaining has resulted in more equitable personnel decision making, e.g., who gets tenure, who is laid off or promoted.	7	26	78	21	83
3. Collective bargaining has obtained better pay, fringes, and working conditions for part-time faculty.	30	25	49	35	67

4. There has been significant tension over collective bargaining issues between full-time and part-time faculty on our campus.	10	24	18	42	42
5. The grievance procedures have been abused by overuse and trivial use.	30	49	6	63	0
6. Collective bargaining has resulted in greater decision making by outside agencies, e.g., arbitrators, courts, or state agencies.	82	84	63	84	58
7. I prefer binding arbitration as a strategy for settling disputes.	25	35	84	38	73
8. Our union, at the local level, supports extending the retirement age beyond 65.	NA	44	56	50	82

Figures indicate percentage of respondents agreeing with statements.

eastern Massachusetts University, we found strong support for maintaining a constant percentage of minorities. At that school the administration and the union had cooperated in defining a retrenchment procedure that allowed minorities not to be fired in higher proportions than majority members simply because the minorities were likely to have low seniority. The policy allows minority members, even those having low seniority, to be given special consideration in case a retrenchment is necessary.

The commitment to affirmative action at Southeastern Massachusetts seems to be the exception rather than the rule. None of the other four contracts we examined had similar protection for minorities. By and large, the contracts provided for seniority protection. American Federation of Teachers president Albert Shanker believes his union is concerned with affirmative action programs, but admits he is committed to job-holder security and seniority provisions (1978, p. 13).

Since minority group members and women are likely to be in low-seniority positions, they are likely to be the first people fired under a retrenchment action. The statistical data from the 1979 College and University Personnel Association survey were discouraging on this matter. Only about 15 percent of the retrenchment policies at institutions represented by the responding personnel directors allow for special attention to affirmative action issues (Table 7, question 16). Unionized institutions do not seem substantially different from nonunionized institutions. In short, the data lend support to an observation many commentators have made, namely that unions are not very interested in affirmative action matters. But then, the data also suggest that nonunionized campuses are not interested either!

Impact on faculty rights. Whether collective bargaining will safeguard faculty rights and academic freedom is another question with varying answers. In both our 1974 and our 1979 surveys, nearly all the faculty union chairpersons agreed that collective bargaining would safeguard faculty rights, but only about a third of the presidents at unionized institutions concurred (Table 4, question 8).

Contract analysis offers a bit more clarification. It appears that unions are not trading away faculty rights such as tenure and academic freedom for other benefits (Chandler and Julius 1979). Rather, faculty unions seek to secure them through the contract. A now-classic example of what can happen to a union that goes against the wishes of its members occurred at the University of Hawaii during the first round of negotiations: The AFT affiliate compromised faculty tenure rights and was quickly replaced by an AAUP-NEA coalition.

Impact on Institutional Innovation

Does bargaining hamper institutional innovation? What about the impact of collective bargaining on institutional change? Many administrators complain about increasing bureaucratization and believe collective bargaining will impede institutional innovation. One team of researchers noted that at the six institutions they studied:

The effect of collective bargaining... was to slow the pace and render more difficult the process of change. Even change necessary to resolve problems... was most likely to occur as a result of a grievance or subsequent set of contract negotiations.... The dominant impression... was avoidance of change to reduce conflict potential (Richardson and Mortimer 1978, p. 343).

Ironically, the only president in that study who considered change a high priority resigned over a dispute with union leaders. Bennett and Johnson (1979) reported that "a majority of the trustees of unionized community colleges believed that institutional change had been retarded" (p. 26). Begin's (1978) study of 26 unionized colleges in New Jersey led him to conclude that "under collective bargaining organizational change is a much more complex task" (pp. 70–71).

Contracts can, of course, be written to *promote* innovation and change. This has occurred rarely in the industrial sector because management traditionally has made all the decisions. But in higher education, the tradition of faculty involvement in decision making suggests that unions have a unique opportunity to work with administrators in developing new ways to stimulate sound educational and administrative practices without hurting job security or working conditions. There are a few instances of such creative involvement. In the Florida State University system, for example, the local union chapters at two campuses reached agreement with local administrators on the desirability of providing the union with an office on campus. They reasoned that an office would facilitate labor-management correspondence, relieve departmental phones of the burden of union business, and demonstrate in a concrete way the administration's respect for the stability and responsibility of the union. Some administrators on other campuses, however, did not want to provide the union with an office on grounds that space was scarce or that relations were such that this show of respect was incongruous. These administrators did not want their colleagues to consent to this request, fearing a "domino effect" that would force them to follow suit. The union itself provided a solution to the disagreement by agreeing that the furnishing of office space by the two universities would not be considered a precedent at any other institution. The union reasoned that if the experiment were successful, other institutions would voluntarily adopt the practice for its beneficial effects.

A more dramatic example of cooperative effort to induce change occurred during bargaining at the Los Angeles Community College system. There, the parties agreed to a new way of accounting for teaching loads, one that allowed much more flexibility for assigning staff than was possible under the old board of trustees rules. Although collective bargaining and most unions have not been regarded primarily as change agents, these examples illustrate the potential for beneficial change if the parties use some imagination.

More contract flexibility might promote more innovation. A strong majority

of respondents to our 1979 survey agree that there needs to be greater variation in contracts to meet specific needs at individual campuses (Table 4, question 9). In fact, there is more agreement on this issue than on any other included in Table 4. Clearly, standardization of contracts is perceived as a threat. Yet, we suspect great variations already exist. For example, in their study of 205 contracts in 1979, Chandler and Julius (1979) found substantial variation in contract terms pertaining to faculty rights. Most of the variation, they concluded, stemmed from institutional differences. For instance, contracts at two-year institutions lagged behind those at four-year institutions in contractualizing faculty rights. They also noted differences attributable to institution size and location. Although the particular union had some impact on contract language, Chandler and Julius concluded that in many cases "the identity of the bargaining agent mattered less than the region, affiliation, or enrollment of the institution in question as well as its status as either a four-year or two-year school" (p. 83).

Both survey results and contract analysis suggest that although not all contracts are alike, they do address similar concerns and often in similar ways. Similar economic and enrollment conditions, coupled with the existence of only three major unions, inevitably results in the adoption of similar contractual provisions. Much of the contract language is now "boiler plate," that is, litigated so often in the past that its meaning is no longer disputed. Boiler plate language further promotes standardization.

Another factor that increases contract standardization is the close relationship between collective bargaining and centralization. Our case studies of large systems—Florida, SUNY, Hawaii, and Los Angeles Community Colleges—revealed that each system had only one master contract despite the geographical separation and divergent educational missions of the system's campuses.

Impact on Student Power

Research on the impact of collective bargaining on student participation in governance is rare. Collective bargaining is an outgrowth of conflicting and adversarial relationships between academic managers (administrators) and employees (faculty members). Hence, students, having no employee status, generally have been systematically excluded.

We concluded in 1975 that students stand to lose from faculty unionization, and the passage of time has done nothing to undermine that observation. In fact, the evidence is stronger now than it was in 1975. Not only are students rarely accorded a role in the bargaining process, but the results of bargaining may prove costly to them. One study (Leslie and Hu 1977) showed that unionization has a significant inflationary impact on student tuition and fees: Holding school quality and institution type (i.e., public versus private) constant, Leslie and Hu concluded that in the mid-1970s students at unionized institutions paid several hundred dollars more than those at nonunionized institutions. Of course, present economic conditions restrict the chances for high wage settlements and thus serve to diminish differences between institutions in student costs. In both our 1974 and 1979

surveys, a majority of responding presidents of unionized campuses believed that faculty collective bargaining had decreased the influence of students in decision making. While there has been a slight decline in agreement among presidents since 1974 (60 percent agreed in 1974 compared with 55 percent in 1979), the percentage of faculty union chairpersons agreeing has increased (from 15 percent to 23 percent). Furthermore, 41 percent of the chairpersons responding to the 1979 survey were neutral. In short, faculty collective bargaining has not been a positive force on student power. Lee (1978) agrees that "students appear to have lost power vis-a-vis faculty and administrators," but notes that most commentators "blame student indifference rather than unionization" (p. 43).

Student responses to faculty collective bargaining. Student involvement in collective bargaining is not yet widespread, but it is growing. Currently, five states—Montana, Oregon, Maine, Florida, and California—have collective bargaining laws that assure students some form of participation, usually in an "observer" role. In addition, students at postsecondary institutions in more than a dozen states have worked, in various ways, to be included in academic bargaining.

The kinds of involvement students have sought in academic bargaining and the methods they have used to obtain it have varied. Four general patterns are identifiable: legislative lobbying for a student role in bargaining; attempts to get mutual consent of administration and faculty for a student role; court action; and formation of student unions to represent student concerns.

As faculty unionization in higher education proliferates, student interest and desire for involvement in the process may increase. Cutbacks in state appropriations have produced a situation in which it would not be unlikely for faculty and students to form coalitions. Financial retrenchment could mean frozen salaries for faculty and tuition hikes for students. The faculty need for more money and the student need for steady or lower tuitions could and often does put these groups at odds. Should this occur, it is quite likely that students would push for access to bargaining. How they would attack the problem cannot be predicted. There are too many possible methods and not enough instances in which students have become involved, and it is too early to distinguish a trend.

The Transformation of Faculty Personnel Decision Making

In a short span of half a decade, from the late 1960s through the early 1970s, financial, career, and job situations of academic personnel in the United States shifted dramatically. Dazed by the events shaking their profession, faculty members clamored for solutions and grasped at alternative career styles. Many faculty members—especially the young ones on the lower rungs of the professional ladder—simply gave up on academic careers and moved into other fields.

The rapid growth of faculty unionization occurred during this time of change, in large part because of faculty concern for their jobs. Some have argued that collective bargaining is a dramatic new development that has completely upset traditional relationships between professors and their institutions. Others have suggested that collective bargaining has indeed had a major impact on institutional personnel policies, but that many changes undoubtedly would have occurred even if unionization had never come along.

This chapter begins with a discussion of the formalization of personnel relations, then looks at the tenure process and retrenchment. When data are available, unionized and nonunionized institutions are compared.

Formalization and Standardization of the Personnel Process

Probably the most striking change over the last decade has been a shift away from informal and personal relationships between the professor and the institution. Until recently, salary and working conditions largely were negotiated informally on a person-to-person basis. In fact, the majority of faculty responding to our 1971 nationwide sample survey did *not* have a detailed contract for employment with the university. Fewer than 15 percent reported detailed contracts in public colleges and community colleges; higher percentages were reported in other types of institutions (Baldridge et al. 1978, p. 114).

With the arrival of collective bargaining, employment relations changed rapidly, from the once-predominant gentleman's agreements to blanket contracts covering hundreds or perhaps thousands of employees and having extremely specific contractual and procedural rules. In many instances, an informal arrangement with the dean has been replaced by an extremely formal union contract. Even at institutions not having union contracts, there is a decided move toward formalization, bureaucratization, and procedural regularity. These changes have not been caused by collective bargaining alone; both legislation and court decisions have restructured employment relations in higher education to achieve fair treatment and nondiscrimination.

The trend toward more formal relationships between faculty, administration, and the institution has shown up in many surveys conducted in recent years. The vast majority of respondents to our 1974 and 1979 unionization surveys believe that collective bargaining pushes toward formalization. For example, our 1979 survey respondents are nearly unanimous in agreeing that collective bargaining will result in greater specificity of employment rules and regulations (Table 6, question 1).

The 1979 survey of collegiate directors of personnel by the College and

Table 7: Personnel Practices Reported by Collegiate Directors of Personnel, 1979

	Unionized Institutions (n=275)	Nonunionized Institutions (n=900)
1. Does your campus have a written policy governing tenure?	88%	55%
2. Is each newly appointed faculty member formally notified in writing whether he/she is in a tenure-eligible position?	71	72
3. Does your policy provide for immediate tenure as of the date of employment in some cases?	36	38
4. Are the criteria for tenure decisions generally the same as those used for promotions?	79	82
5. If tenure is denied, does the probationary faculty member have the right to appeal?	86	88
6. Can probationary faculty members appeal tenure denials based on procedural correctness?	98	98
7. Can probationary faculty members appeal tenure denials based on the reasons for not granting tenure?	88	80
8. Are part-time continuing faculty eligible for tenure?	16	12
9. Has your institution actually severed the employment of a tenured faculty member within the last five years due to neglect of established obligations?	18	10
10. Has your institution actually severed the employment of a tenured faculty member within the last five years for incompetency?	20	8
11. Has your institution actually severed the employment of a tenured faculty member within the last five years due to program discontinuance?	12	6

Table 7, cont.: Personnel Practices Reported by Collegiate Directors of Personnel, 1979

	Unionized Institutions (n = 275)	Nonunionized Institutions (n = 900)
12. Has your institution actually severed the employment of a tenured faculty member within the last five years due to financial considerations?	2%	1%
13. Does your institution have a policy covering retrenchment should the need arise?	77	37
14. Is your institution's retrenchment policy covered by a written policy or established practice?	92	73
15. With or without a written policy, have you gone through the process of selecting faculty for retrenchment during the last three years?	32	20
16. Does your retrenchment policy require you to maintain the achievements under your affirmative action program?	13	15

Figures indicate percentage of respondents answering "yes" to questions.
Source: College and University Personnel Association Survey, 1979.

University Personnel Association (CUPA) gave evidence of the trend toward formalization, bureaucratization, and the proliferation of rules and regulations—particularly at campuses with unions (see Table 7). For example, 88 percent of the personnel directors at unionized campuses, compared with 55 percent at nonunionized campuses, report that their institution has a written policy pertaining to tenure (Table 7, question 1). The same trend toward specificity of rules and procedures, especially in unionized institutions, is evident in other areas, such as retrenchment, although it is far less clear at nonunionized institutions (Table 7, question 13). Specificity of rules and regulations lessens the chances that disagreements may arise in applying broad policy to concrete situations. At many campuses it also results in less personal, less individualized personnel relationships.

Collective Bargaining Contracts Expand in Personnel Areas

On unionized campuses, there is a decided trend for contracts to address more and more personnel topics. In part this reflects continuing union

pressure to increase job protection in successive agreements (Swift 1979, p. 16). It also reflects joint management and union efforts to plan for future contingencies to minimize the chances for conflict. Bargaining agreements, therefore, tend to eliminate discretion in personnel decision making, promote greater specificity of rules, and encompass more and more personnel matters. The contracts also broaden the coverage of personnel across classes of employees and, in multicampus systems, across campus boundaries.

The fact that personnel policies expand is readily seen in the continuing analysis of contract contents conducted by Goodwin and Andes (described earlier). Table 8 gives the percentages of 1971, 1973, and 1979 contracts covering certain personnel items. The 1971 and 1973 data were derived from all available contracts in force those years; the 1979 data are based on a representative sample of institutions having three or more successive contracts.

There has been a significant increase over the past several years in the number of personnel issues covered. Some items, such as a grievance policy and appointment procedures, have been part of most collective bargaining agreements from the start. Others, such as tenure, nonreappointment, and staff reduction, have become more prevalent since 1973. Obviously, these are among the primary concerns of unions today. In contrast are provisions related to governance, which appear in only 23 percent of the contracts, a percentage virtually unchanged since 1971 (data not shown in Table 8). A previous chapter examined this issue in some detail.

Although the overall trend is toward expansion, some issues actually have become less commonly addressed over the years. A few personnel matters no longer appear as separate items in contracts but have been dispersed among other categories; others have been dropped because the issues are now addressed in federal law. In some instances management has succeeded in negotiating items out of the contract (e.g., selection of administrators). Interestingly, "contract reopener" provisions are less prevalent since there is a movement to have contracts in force for an indefinite, rather than a specific, period. For example, the contract at the University of San Francisco recently was extended to 1986, at which time it will have been in effect ten years. Only salaries and fringe benefits have been renegotiated periodically.

When the 1979 data are viewed by institution type, an interesting pattern emerges (see Table 9): The most encompassing contracts are found at universities, and the least encompassing at two-year campuses. This is less surprising than it might appear at first, for decision making at two-year institutions has long been dominated by administrators. Faculty unions have struggled to enfranchise two-year faculty members with the same professional prerogatives enjoyed at senior institutions. Another recent study of contract content by Chandler and Julius (1979) revealed a similar pattern, prompting them to conclude that "considering these [two year] faculties' general lack of voice in administrative decisions, even . . . modest achievements could be regarded as a real advance" (p. 80).

Obviously, whether the trend toward formalization and standardization

Table 8: Percentage of Union Contracts Addressing Certain Personnel Issues, 1971, 1973, 1979

	1971	1973	1979[a]
Grievance policy	91%	92%	99%
Appointment	78	82	90
Reappointment	78	82	90
Nonreappointment	70	75	88
Staff reduction	15	50	88
Dismissal	70	76	87
Personel evaluation procedure	57	66	85
Personnel files	78	59	85
Tenure/continuing appointment	50	55	72
Retirement	52	50	60
Promotion policy	80	53	53
Discipline action: faculty	4	14	43
Personnel policy	85	95	10
Merit pay/awards	9	11	10
Faculty who become administrators	—[b]	14	2

[a]Includes only institutions having three or more successive contracts in order to detect changes since 1971 and 1973.
[b]Data not collected.

Table 9: Percentage of 1979 Union Contracts Addressing Certain Personnel Issues, by Type of Institution

	Universities	4-Year Colleges	2-Year Colleges
Grievance policy	100	100	98
Appointment	88	87	91
Reappointment	88	87	91
Nonreappointment	94	93	84
Staff reduction	94	87	86
Dismissal	94	93	86
Personnel evaluation procedure	100	80	83
Personnel files	94	87	83
Tenure/continuing appointment	81	87	65
Retirement	44	100	54
Promotion policy	80	53	53
Disciplinary action: faculty	44	47	40
Personnel policy	6	—[a]	7
Merit pay/awards	31	7	11
Faculty who become administrators	6	—[a]	2

Includes only institutions having three or more successive contracts.
[a]Data not collected.

is good or bad depends on one's position within the system. Standardization clearly has one substantial benefit: It provides procedural protection to employees who otherwise might be treated carelessly.

One would assume that a clear statement of procedures leads to fairer decisions about such things as who gets tenure, who gets laid off, and who gets hired. However, respondents to our 1979 survey do not agree that this in fact occurs. Presidents generally do not believe collective bargaining has resulted in more equitable decisions, but union officials take the opposite view (Table 6, question 2). It is interesting that the percentage of all respondents believing things are fairer declined from 1974. Does this mean that respondents as a group fear procedures are not producing fair decisions? We assume so. The overwhelming problems facing higher education today hobble both union and institution efforts to protect faculty members and thus contribute to disillusionment about the fairness of the "system." For example, the SUNY faculty union was virtually powerless in the face of the state's financial crisis and the governor's call for large layoffs in the mid-1970s. Bennett and Johnson (1979, p. 23) note that unions cannot preserve jobs at institutions that are no longer open or that do not have sufficient funds and/or students to maintain large teaching staffs, and they feel that this will be a major problem during the 1980s.

While regularization does occur as a result of collective bargaining, it comes at some expense. For one thing, it means that there is yet another bureaucratic unit involved in campus governance—the union itself, which must first establish its policies, then continuously consider the desires of its constituents during the bargaining process. Moreover, after a contract is ratified, grievances and changes in administrative policies usually involve the union and require its consultation. In addition, the proliferation of rules and regulations is costly in terms of both time and money. Management flexibility is limited, making it difficult to respond quickly to sudden economic and enrollment changes. Finally, it becomes easier for unions to challenge negative personnel decisions through the grievance process, thus posing a possible danger to the exercise of academic judgment.

The Relationship of Bargaining to Promotion and Tenure

Clearly one of the most important objectives for the collective bargaining movement in higher education has been to strengthen job security and to protect against the growing problem of unemployment and underemployment. In our 1974 survey of presidents and union leaders, the desire for job security was rated almost equally with desire for higher wages as a prime stimulus to the growth of faculty collective bargaining (Kemerer and Baldridge 1975, p. 40).

Comparing tenure policies at unionized and nonunionized institutions. About 87 percent of the personnel directors returning the CUPA questionnaire reported that their institutions granted tenure. The tenure system has become a mainstay of American higher education. However, the system is by no means spread equally throughout the various types of institutions.

The CUPA survey indicates that private institutions are the most likely to have a tenure system (94 percent), followed by state institutions (89 percent), and community colleges (62 percent).

Collective bargaining appears not to have influenced the presence of a tenure system at four-year institutions. However, the CUPA survey shows that local community colleges are far more likely to have a tenure system if unions are present (though the systems frequently are not well developed). A tenure system is almost always one of the union's primary goals, and it is apparent from the data that there has been progress toward this goal. Among two-year campuses having collective bargaining, 75 percent of the institutions grant tenure, but among those not having collective bargaining, less than half have tenure.

Having a tenure policy means different things at different institutions. Both the CUPA survey and contract analyses show that there are substantial differences in tenure policies, whether or not institutions have faculty unions. According to the CUPA survey, about 62 percent of all tenure-granting institutions have written policies; about 30 percent have "established practices" only, and about 8 percent have both.

The real contrast shows up at private institutions: More than half the responding personnel directors at these institutions say their campuses use "established practice" to administer the tenure system, while only 40 percent employ written policies. This is surprising, considering that most other institutions usually use written policies. However, there is a pronounced tendency for private institutions having faculty unions to have written policies (83 percent). Earlier we saw that the arrival of collective bargaining promotes the growth of tenure at community colleges; now we see that the arrival of collective bargaining shifts the traditional practices at private institutions to formal written policies. In both cases this is strong evidence of union pressure toward standardized procedures.

To summarize, then, unions are likely to bring more procedure and written policy to the tenure situation. This is particularly true for the community college and private sector, where tenure policies traditionally have been much more informal than at state institutions. Unions do promote more systematic policy, and the "established traditional practice" method is gradually being discarded, especially in the private sector. At the same time, unions do not achieve full-blown tenure systems overnight. Administrators retain considerable authority over personnel matters at many unionized campuses, particularly at two-year institutions.

Two Debated Issues

Peer judgment and merit pay. The results reported in the preceding section give fairly straight answers to some questions about tenure. We found, however, that some of our most insightful analyses of the tenure question come from case studies and interviews. This section outlines some debated issues that have arisen as collective bargaining impinges on the tenure and promotion process.

The data so far remain inconclusive as to whether unions have com-

promised the peer judgment process. At many institutions, particularly at community colleges, unions have addressed the professional concerns of their members by enfranchising the faculty with at least some semblance of the peer judgment process as practiced at "elite" institutions. Undoubtedly, there are a few campuses where unions have subverted that same process. At the University of Hawaii, both unionization and centralization have contributed to faculty disillusionment about their ability to influence personnel decisions.

Many of the battles between institutions and unions over tenure policies are reflected in the constant fight over so-called "merit pay." The debate is relatively simple: Unions want seniority as the basis for pay raises, and they want to eliminate administrative discretion as much as possible. In contrast, administrators generally want some discretion, claiming they want to reward excellent performance (Begin 1978, p. 32). The battle lines are drawn between unions and administrators on almost every campus over this issue.

Guthrie-Morse, Leslie, and Hu (1981) studied the issue of merit pay in their research on faculty compensation. They found that unionized institutions are less likely than nonunionized institutions to have merit pay systems and that at unionized institutions that do have merit pay, the dollar amounts allocated to merit raises are small.

Problems posed by grievance processing and outside arbitration. There is a tendency for unions and faculty members to convert every dispute with administrators into a grievance. Administrators complain that union leaders simply are unable or unwilling to screen out trivial issues. As a result, the grievance process on many campuses has been overwhelmed with complaints. When a union is first on campus, it quite naturally hopes to continue winning support from the faculty. A good means of assuring continued visibility and winning over new members is to exploit the grievance system. By pushing grievances, the union bolsters the image of the administration as the "bad guys" and the union as the champion of the faculty.

Our case studies suggest that once the union has stabilized, it can assert more control, screening out or encouraging an early settlement of grievances that are not worth the time and money to pursue. To determine if overuse of the grievance process continues to be a major issue in academic collective bargaining, we included a question about it on the 1979 questionnaire. The results indicate that administrators, particularly those at the system level, remain concerned (Table 6, question 5).

The use of outsiders to force settlements of grievances through arbitration is a major issue. In *Unions on Campus*, we concluded that, as of 1975, arbitration had not been well adapted to higher education (see Finkin 1976). The negotiating parties had been notoriously ineffective in drafting precise language about the scope of arbitration and the arbitrator's powers. This language ambiguity, coupled with the general reluctance of the courts to interfere with the arbitral process, had resulted in a tendency for arbitrators to substitute their own views for those of educators. We saw as even more disturbing the possibility that any effort to tighten contractual language

would fail because personnel decision making in professional organizations is a subjective process and not easily quantified. We feared the introduction of rigid criteria into contracts could replace the subtle peer judgment process with a mechanical civil service-like exercise and suggested that some compromise process should be sought, one that would protect the individual from arbitrary procedures but simultaneously from qualitative personnel decisions.

The evidence since 1975 suggests that some of our fears were ungrounded and that arbitration has become more adapted to higher education. A majority of all respondents to the 1979 survey agree that collective bargaining has resulted in greater decision making by outside agencies such as arbitrators (Table 6, question 6). Kelly (1979, p. 18) believes there is a trend toward having third-party neutrals replace employers as final decision makers in both unionized and nonunionized settings. Various methods have been used to restrict the scope of arbitration to procedural issues. In contracts that do provide for arbitral review, the pattern is to confine the arbitrator to determining whether the challenged decision was arbitrary, or to require administrators to show compelling reasons for overruling a faculty judgment.

While these techniques have helped, problems still arise. The perennial problem of specifying the *criteria* for deciding personnel matters is particularly troublesome for arbitrators. Administrators have had a difficult time supporting their cases when overturning the decisions of lower faculty review committees. What help are a well-defined personnel policy, documented evidence, and a consistent pattern of reasonable personnel decisions.

Another way of preventing interference with peer judgment is to specify carefully the remedial power of arbitrators. According to one study, "of all the drafting devices,. . . limitations on the remedial powers of an arbitrator have been the most successful from the point of view of those concerned with accommodating both grievance arbitration and traditional academic status decision making" (Weisberger 1978, p. 7).

Recent experience with arbitration has not done much to alleviate the concerns of administrators about its use. In our 1974 survey, more than 80 percent of faculty union chairpersons, but only 35 percent of presidents of unionized institutions, preferred binding arbitration as a way of settling disputes. In the 1979 followup survey, the percentages were virtually unchanged (Table 6, question 7).

We do not mean to suggest that our original concerns about the use of arbitration are now completely alleviated. Problems still arise—but overall, it appears that collective bargaining and arbitrators can work to make personnel decision making more rational and fair. As Weisberger (1978) notes, "one must conclude that a distinct 'common law of academe' is being developed" (p. 12).

Termination and Retrenchment

In this period of financial crisis and job shortages for academicians, institutions around the country are faced with the unpleasant task of planning for cutbacks. We assumed that there might be two different patterns of imple-

menting these cutbacks. First, institutions might be stricter in their firing of faculty members who were incompetent, who had too much outside employment, or who had other significant problems. Second, institutions might go beyond that kind of individually focused firing and start planning for retrenchment of entire programs. We looked at these issues separately in our questionnaire studies.

Differences between unionized and nonunionized institutions on termination. The CUPA survey asked personnel directors if their institutions had severed the employment of a tenured faculty member in the past five years. The responses generally indicate that few institutions have terminated tenured faculty members because of plagiarism, moral turpitude, falsifying credentials, excessive absences, or excessive outside employment. Firings within the last five years for these reasons have been rare—only about 6 percent of the directors responding reported at least one case at their institutions. There was no difference between unionized and nonunionized institutions. Of course, the question referred only to *tenured* faculty members, not to part-time faculty or to nontenured staff. Firings among the latter group probably have been more common.

There does appear to be a slight tendency for institutions to fire tenured staff on three counts: neglect of established obligations, incompetency, and program discontinuation (Table 7, questions 9-11). For all three causes, the percentage of directors at unionized institutions reporting firings was nearly double the percentage for nonunionized schools. One possible reason why there appear to be more firings of tenured faculty at unionized institutions is that, generally, where there is security there is no union. In many cases, trouble looming on the horizon caused the formation of the union in the first place. The firings may be a result of continued troubles that are beyond the influence of any institution official.

There are a few differences by type of institution: Private colleges are more likely to have dismissed a tenured faculty member for neglect of established obligations, while two-year colleges are more likely to have dismissed for incompetency and for program discontinuance. It must be kept in mind, however, that these comments refer to only a handful of firings of tenured faculty; we do not have data on nontenured faculty, but we suspect that firings among that group are much more common.

Although the percentages are low and although the respondents may have been reporting that only *one* person had been fired within the past *five* years, still the figures are worth noting, for higher percentages at unionized institutions run counter to prevailing assumptions. Union contracts are supposed to protect people, not make them more vulnerable. There are several possible explanations. First, there often is considerable conflict and turmoil at unionized institutions prior to bargaining, and thus, such institutions simply may be more prone to personnel change. Second, and perhaps more significantly, contracts spell out procedures and criteria which, while regularizing personnel decision making, also furnish administrators with clear guidelines for making painful decisions.

Retrenchment policies spread throughout higher education. Five years ago few colleges or universities had formal retrenchment policies. Now the situation is different, and many campuses have developed a retrenchment procedure as a necessary precaution against falling enrollments. Of the five institutions where we did case studies, only one, Florida, was growing; the others were either essentially static or facing cutbacks.

The CUPA survey illustrates the change. Nearly half the institutions represented by the responding directors of personnel had retrenchment policies. This trend is least evident at nonunionized campuses, where the percentage stands at 37 percent (Table 7, question 13). Retrenchment policies are most noticeable at unionized state institutions (86 percent), at unionized private campuses (60 percent), and at unionized two-year campuses (76 percent). Where retrenchment policies exist, they are most often written documents (Table 7, question 14).

Other responses to the CUPA survey show that there are significant differences between retrenchment policies at unionized and nonunionized institutions. For example, 86 percent of institutions with unions provide reappointment rights for retrenched faculty, compared with 48 percent of those without unions. About a quarter of both unionized and nonunionized institutions with retrenchment policies provide special appeal rights for faculty to be affected.

Unionized campuses are more likely to allow appeals on procedural grounds, but less likely on substantive grounds. Seniority is likely to be the controlling factor in deciding who gets laid off at nearly 60 percent of the unionized institutions but at only 30 percent of the nonunionized institutions. In short, according to the personnel directors responding to the CUPA survey, unionized institutions have more retrenchment policies, more appeals, and more procedural regularity.

Chandler and Julius (1979, pp. 44-45) examined the differences among retrenchment clauses in 205 representative union contracts. Among four-year institutions, the contracts for private colleges gave faculty members greater authority over retrenchment than did those for public institutions. Overall, about 60 percent of the four-year agreements gave faculty a strong voice. Retrenchment clauses in contracts at two-year campuses uniformly gave faculty less influence.

Not only are retrenchment clauses more likely to be found at unionized institutions, but they also are more likely to be used there. Only about 20 percent of the nonunionized institutions represented in the CUPA survey had actually gone through the process of selecting faculty for retrenchment, but 32 percent of the unionized institutions had done so (Table 7, question 15). Institutions with unions are twice as likely to have dismissed tenured faculty for program discontinuance and financial exigency (Table 7, questions 11 and 12). Unionization most often occurs as a reaction to hard times, so it should not be surprising that a pressing issue is determining who gets fired when conditions worsen.

Among institutions that actually had retrenched faculty, those with faculty unions were more likely to defend the action before arbitrators and

state agencies, but less likely to appear in court. However, for both institution categories, a majority report not having to defend the need for retrenchment.

In summary, there is an increasing need for institutions to plan for the possibility of retrenchment. Clearly the national outlook for academic jobs is dismal. In our case studies, painful examples of retrenchment are vividly portrayed—the Los Angeles Community College system torn apart by Proposition 13 and the SUNY system racked with enrollment declines and financial problems. Collective bargaining encourages systematic and careful attention to the retrenchment issue. Administrators who might otherwise have been careless on this matter have been forced to plan carefully. In this respect unionization has spotlighted an important problem for faculty members, and the contractual responses around the country probably have made the unpleasant task somewhat more equitable and systematic.

Conclusion

It is clear that personnel practices in higher education have undergone a profound change. The process has gone from informality between the faculty member and the institution to impersonal formality, a shift most noticeable on unionized campuses. While some may bemoan the increasing bureaucratization, it is nevertheless true that faculty members need more procedural protection than ever before. By and large, unions appear to have been able to supply some of the protection they have promised. They have extended procedural rights to thousands of faculty members, many of them beyond the privileged ranks of tenured faculty. At the same time, many institutions have been tied in procedural and bureaucratic knots by contracts. Grievance processes have been beneficial to many individuals, but they have paralyzed effective personnel decision making in some instances. Despite often herculean efforts, unions have not been able to shield their members from the consequences of program and personnel retrenchment.

Still, unions have helped regularize personnel decision making and in the process have prevented many abuses. As noted in an earlier chapter, both administrators and faculty chairpersons agree that unions have been more effective in the personnel area than anywhere else.

A Concluding Note

In these concluding remarks, we summarize the major conclusions of the research presented in the earlier chapters and reflect on the impact of the Yeshiva University court decision that banned faculty collecting bargaining. Finally, we gaze into our crystal ball and make some predictions about the future of faculty collective bargaining.

Conclusions from the Research

The findings from our decade-long research on the impact of faculty collective bargaining suggest several themes.

1. Faculty collective bargaining has not brought about the revolutionary changes its detractors and its supporters had predicted. Outside of personnel issues, collective bargaining has had only modest impact. One of its greatest contributions lies in the extensive grievance procedures detailed in almost all contracts. As in the industrial sector, the grievance process helps identify and reduce conflict. Another major benefit for faculty members is the growing influence unions can exert in the legislative arena, especially as colleges and universities struggle for a share of the public dollar. Economic benefits probably are real, compared with the likely economic status of the profession had collective bargaining not developed.

2. Unions appear to be able to live with senates, and vice versa. In fact, our survey indicates that demarcation lines between senate and union activities on the same campus are clearer now than they were in 1974. The fact that unions generally have not sought to take over senates reflects three restraining influences: (a) a continuing faculty commitment to governance bodies; (b) the influence of the legal framework in limiting contract expansion; and (c) the pro-senate bargaining stance of many administrators. However, although there seems to be little threat to senates from unions, other forces—especially administrative centralization—may undermine senates.

3. There appears to be some disillusionment among union chairpersons with the outcomes of bargaining. It is difficult to determine now exactly who benefits the most, primarily because harsh environmental conditions have limited union efforts to secure higher wages and greater job security. While the average faculty member stands to gain from the grievance system and the political influence unions can exert in the legislative arena, it is less clear that unions will fulfill earlier predictions about eroding the status of senior faculty or rescuing the most disadvantaged. In fact, the status quo seems more likely.

4. Faculty personnel issues were at the heart of collective bargaining's origin, and they continue to be the focus of concern and the arena of greatest union success. In general, informal practices have been dislodged, and formalized, bureaucratized procedures have become the dominant personnel pattern. Collective bargaining thus combined with legislative drives, systemwide personnel plans, and court decisions to move colleges and universities toward standardized personnel practices.

5. The formality introduced by collective bargaining into faculty-administration relations may degenerate relatively quickly into outright hostility as personnel and programmatic cuts become increasingly necessary. More

than any other factor, this polarization could undermine the cooperative spirit on many campuses where senate, union, and administration now coexist peacefully.

These five conclusions are the heart of the research findings from our surveys and on-campus case studies. These conclusions summarize the situation after more than a decade of bargaining. But what about the future? Will faculty unions continue to thrive? The remainder of this chapter addresses those future-oriented questions.

The Impact of the Yeshiva Court Decision

In February 1980 the United States Supreme Court, by a close vote of five to four, overruled a previous federal National Labor Relations Board (NLRB) decision that the faculty of New York City's Yeshiva University could unionize. The Court found that the faculty of Yeshiva exercised substantial "supervisory and managerial functions," and that since the faculty were "managers" and could not be considered employees under a labor union definition, they were *not* entitled to organize under a collective bargaining contract. Perry Allen Zirkel (1981) summarized the Supreme Court's arguments in this way:

> *The majority [of the Court] cited the standard from the Court's previous decisions in the industrial arena: that "managerial employees" are those who develop and implement employer policy. The majority found that Yeshiva's faculty met this standard by exercising (1) absolute authority in the academic area (e.g., by deciding what courses would be offered, when they would be scheduled, and to whom they would be taught, as well as by determining teaching methods, grading policies, and matriculation standards); and (2) significant authority in other central policies of the institution (e.g., by effectively deciding which students would be admitted, retained, and graduated, and by occasionally determining the size of the student body, the location of a school, and the tuition to be charged) (p. 1).*

The Supreme Court believed that Yeshiva University had a "mature" system of academic governance in which the faculty and the administration shared policy-making activities. Because of this sharing process the faculty actually were making policy and acting as managers of the university. Since managers are not allowed in employee unions, the Yeshiva faculty had no right to unionize.

To summarize, then, these were the major points in the Yeshiva decision:

- The Supreme Court found that Yeshiva University has a "mature" system of governance, with shared authority between faculty and administration.
- Consequently, the Court reasoned, the faculty play a major managerial function and should not be allowed to join an employee union.
- The Court accepted the union's argument that faculty are profession-

als exercising their authority in a very limited range of activities, but this was not seen as a barrier to the faculty's simultaneously acting as university managers.

- The Court rejected the union's argument that the faculty exercised their managerial responsibility only as a "collective," not as individuals; the court stated that most managers act in collective decision bodies, not simply as individuals.
- The Court also rejected the union's position that the Board of Trustees was the ultimate authority in the institution; it found that although the Trustees had the "formal authority," many groups exercised effective managerial function in addition to the Board of Trustees.

The Yeshiva decision sent shock waves throughout the higher education community. It was widely assumed that faculty in private colleges and universities had full rights to collective bargaining under the federal National Labor Relations Act (NLRA). For more than ten years faculties had been unionizing under the NLRA and had been fully suported by the National Labor Relations Board. Thus, the Yeshiva decision was seen as a major setback for faculty collective bargaining in the private sector. Although the Court had ruled narrowly on the Yeshiva situation alone, many observers argued that the Court's basic logic could be applied to most of private higher education.

What impact will the Yeshiva decision have on faculty collective bargaining? First, it must be emphasized that the Court's decision applies narrowly to Yeshiva University and to universities having "mature" shared governance similar to Yeshiva's. It is debatable how many universities are "similar" to Yeshiva. Many private college administrators, seeing means of avoiding faculty bargaining, immediately asserted that their institutions had "mature" systems of governance and full sharing of power between administrations and faculties. Many scholars and union leaders objected vigorously, asserting that the "shared governance" notion was systematically violated in many institutions. Nevertheless, some college administrations at private institutions were quick to proclaim that because they had "mature" governance systems they should not be forced to participate in collective bargaining with their faculties.

Second, the Court's decision, even in its broadest interpretation, applies only to private colleges and universities. Public institutions are under state statutes. Some individuals have argued that the Court's decision about private institutions will have a "chilling effect" in states where faculty are not yet unionized, influencing legislators to exclude faculty from the bargaining process. Frankly, we doubt the validity of this argument. A decade ago states paid a great deal of attention to federal labor law and to the rulings of the NLRB. As they have developed their own public employee labor laws, however, states have matured substantially and have developed their own policies and procedures. Any states that are now considering public employee bargaining laws probably will make independent decisions about whether or not they want their faculties to unionize. Certainly state

legislators might be swayed by the Supreme Court's decision in the Yeshiva case, but many other factors are involved in these complex political battles over public employee labor laws; we doubt that the Yeshiva case will have much impact on wavering state legislatures.

What about the impact of the decision within the private sector? There is no doubt that in the private sector the impact will be significant. However, let us underline a point we have made over and over: Faculty collective bargaining has not made significant inroads into the private sector, and had not even before the Yeshiva decision. To the small extent that collective bargaining has been a private sector phenomenon, the movement will be dampened substantially by the Yeshiva decision.

Since the Yeshiva decision was announced in February 1980, 20 to 30 private institutions have refused to bargain with unions negotiating their first contracts, have refused to renew expired contracts, or have simply refused to hold an election to select a bargaining agent. Zirkel summarized the situation in 1981:

> *Although a total of 20 private colleges and universities have broken off negotiations or refused to bargain with faculty unions, there has not been a widespread rush by college administrators to claim immunity from collective bargaining under the NLRA. Thus, the overall picture shows a slowing, rather than a cessation, of unionization and bargaining activities at colleges and universities (p. 2).*

Only time will tell whether the Yeshiva decision will have a widespread impact on collective bargaining or whether its application will be limited through subsequent court cases or legislative action. Immediately after the Yeshiva decision was announced, several faculty unions campaigned for Congressional action to overturn the Court's ruling and allow collective bargaining in the private sector. That effort failed, and the Reagan administration's arrival on the Washington scene makes it unlikely that a legislative route around the Yeshiva decision can be built. The other major avenue open to private institution faculties who want to unionize is a gradual reopening of collective bargaining rights by small victories won in the courts or before the NLRB on a case-by-case basis. In some instances, unions have attempted to show that institutions did not have "mature" governance systems and consequently the faculty were not acting as employers; the Stephens Institute, in one success, was judged by the Ninth Circuit Court of Appeals not to have a "mature" governance system. This incremental approach to reducing Yeshiva's impact seems to be the emerging strategy.

To summarize, then, the long-term impact of the Yeshiva decision on private institutions is not yet clear. Some people believe it will be the deathknell for unions in the private sector—but some union leaders speak optimistically that the decision's impact eventually will be limited by either judicial action or legislative changes. In the meantime, Yeshiva appears to have slowed substantially the movement toward faculty collective bargaining in the private sector. Since the private sector represented only a tiny portion of

the faculty involved in unions in the first place, however, the overall impact of Yeshiva has not been overwhelming.

Some Reflections on the Future of Faculty Collective Bargaining

Let us reflect for a moment on other trends in the faculty collective bargaining movement. These predictions represent our personal opinions and do not come from our research per se. In the past we have found such predictions risky, so we stand the chance of being wrong. These are simply our best guesses as we examine the crystal ball about faculty collective bargaining.

There will be a gradual slowing of the pace of new collective bargaining for faculties. It is important to emphasize that faculty collective bargaining is only a small piece of the massive public employee collective bargaining movement. Although faculties like to think of themselves as unique, in the eyes of the state faculty are simply one more block of employees who have unionized under the umbrella of public employees' collective bargaining laws. Consequently, the fate of faculty unionization is tied closely to the progress of the broader public employee movement. Where public employees have done well, faculty unionization has done well; where public employees have faltered, faculty efforts have stumbled with them.

There has been a substantial slowdown in the expansion of public employee collective bargaining laws in the nation. Throughout the 1970s unionization in the public sector in states that were "ripe," because of their historic fostering of industrial collective bargaining, was rapid. By the late 1970s most of the traditionally pro-union industrial states already had public employee collective bargaining acts. Most of the traditional anti-labor states did not have public employee laws, and there has been very little movement in those states. Most of the "sunbelt" states traditionally have not been sympathetic to industrial collective bargaining and show no signs of moving toward large-scale public employee bargaining. Since faculty bargaining hitches a ride with the general public employee unionization, we can expect very little additional faculty bargaining outside the 26 states that currently allow it.

California is a major exception to the rule. California came late to the public unionization arena and is the major exception to the rule that faculty collective bargaining is not expanding rapidly. Unlike those in most states, faculties in California were not included under an omnibus public employee labor law. Instead, they were handled as a separate employee group. Community colleges were authorized to bargain in the mid-1970s, and by 1981 almost every community college district in the state had a contract with its faculty.

In contrast, four-year institutions in California received legislative authority to unionize only in 1978. By the fall of 1981, when this report was written, the pattern of collective bargaining for the four-year campuses in California was becoming clear. The University of California and its nine campuses probably will not have faculty collective bargaining, with one or

two exceptions. The other major system in California, the enormous 19-campus State College and University System (CSUC), almost certainly will vote for a faculty union. At this point the two competing unions, the National Education Association and the American Federation of Teachers, seem to have about equal chances of winning the election. When the CSUC system finally unionizes, it will be an enormous shot in the arm for the national statistics on faculty collective bargaining. However, CSUC appears to be the last major group that will join the ranks of unionized institutions; there is no major cluster of states or institutions on the horizon that would increase substantially the number of unionized faculties. In short, when the California situation finally gels, we probably will have seen the end of major growth of faculty collective bargaining in the United States for the foreseeable future.

Major economic problems could force a reawakening of faculty collective bargaining. In the private sector, the Yeshiva decision has put the brakes on the growth of faculty collective bargaining; in the public sector, the expansion of public employee laws has run its natural course through pro-union states; and almost all the institutions that were most suspectible to collective bargaining (such as the community colleges) and that were legally permitted to do so have unionized. These trends suggest that we will see no significant expansion of faculty collective bargaining in the immediate future.

However, the times do change rapidly and new conditions could spawn a cycle of growth in faculty unionization. Providing the strongest thrust for an awakening of faculty collective bargaining would be a severe downturn in economic conditions in the higher education community, coupled with a national recession that could promote the growth of general public employee unions (and it probably would not occur unless both conditions were present). Unfortunately, the ominous clouds of such economic crisis are on the horizon. Any intelligent observer knows that the predictions for the future of higher education are pessimistic. Labor department projections of employee needs show that most professions outside academe are going to need between 35 and 45 percent more workers over the next decade—but that the need for trained workers in higher education actually will *decrease* more than 10 percent. Both relative to other professions and absolutely in terms of numbers, it seems that hard economic times are ahead for faculties. This fact alone does not necessarily suggest that there will be more unions on campuses, but it will certainly make the situation ripe if conditions change in the larger society.

Whether these "ripe" institutions unionize or not will probably depend on whether there is a resurgence of the general public employee bargaining movement. In the early 1980s, President Reagan and the Republicans swept into office in Washington as a conservative mood settled on the country. Times were certainly not ripe for the expansion of public employee bargaining rights. The destruction of the air traffic controllers' union in 1981 certainly demonstrated an attitude of limited tolerance for some activities of

public employee unions on the part of government officials. However, if a severe recession were to occur and high inflation rates were to continue plaguing the economy, there might be a backlash that would foster a renewed round of public employee collective bargaining. If this resurgence in the general public sector occurred, we could expect the ripe conditions on the campuses to spawn new union movements.

To conclude, then, we can only guess what the future will bring. All the signs currently point toward a quiet period in faculty collective bargaining for the next decade. Nevertheless, a resurgence of action among public employees in general could be the catalyst that propels the academic profession into sustained union growth. This is particularly true since all the economic indicators for the academic profession are dismal. The faculty are a block of employees who will probably be ripe for unionization for years to come—but expansion will depend on a complex set of legal and economic factors.

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